

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5702 of 2017

- Pankaj Yadav S/o Baburam Yadav, Aged About 27 Years R/o Village Ramsay Gunja, P. S. Badalpur, District Jounpur Uttar Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Bilaspur, (P. S. Hirri Bilaspur, District Bilaspur Chhattisgarh).

---- Respondent

MCRC No. 5703 of 2017

- Himanshu Bagh Yadav S/o Jaspal Bagh Yadav, Aged About 32 Years R/o Kalika Nagar Tifra, P.S. Sirgitti, Tahsil And District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Bilaspur (P.S. Hirri Bilaspur, District Bilaspur) Chhattisgarh

---- Respondent

MCRC No. 5762 of 2017

- T. Ramlu S/o Late T.Surnna, Aged About 42 Years R/o Ward No.5 Mahima Nagar, P.S. Sirgitti, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Bilaspur (P.S. Hirri Bilaspur, District Bilaspur) Chhattisgarh

---- Respondent

MCRC No. 5851 of 2017

- Raja Yadav S/o Hemant Yadav, Aged About 42 Years R/o Santoshi Mandir Chouk, Tifra, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Bilaspur P. S. Hirri Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

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MCRC No. 5846 of 2017

- Jaspal Bagh Yadav S/o Madhusudan Bagh Yadav, Aged About 54 Years R/o Kalika Nagar Tifra, P.S. Sirgitti, District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Bilaspur (P.S. Hirri Bilaspur, District Bilaspur) Chhattisgarh

---- Respondent

For Applicants	:	Mr. Rajesh Jain, Advocate
For Respondent	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/10/2017

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Heard on application under Section 439 of Cr.P.C. for grant of bail.
3. Application of applicant Himanshu Bagh Yadav is the repeat bail application. His first bail application bearing MCRC No.2204/2017 was dismissed as withdrawn vide order dated 15.5.2017. The applications filed by remaining applicants, are their first bail application. It is prayed by all the applicants that they have been arrested in connection with Crime No. 48/2017 registered at Police Station Hirri, District – Bilaspur (C.G.) for the offence punishable under Sections 420, 120-B, 34 of IPC and Sections 3 and 7 of the Essential Commodities Act on 7.3.2017 and

since then they are in jail. The trial Court and the Sessions Court have rejected their bail applications. It is submitted that applicants have been falsely implicated in this case. The case against them and offence is triable by Judicial Magistrate, the disposal of trial is likely to take some time, hence, prayed that the applicants be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that applicants Himanshu Bagh, Jashpal Bagh and T. Ramalu have previous history of criminal activities of similar nature, hence, the applicants are not entitled for bail.
5. Heard both the parties and perused the case diary.
6. On 7.3.2017 the garage belonging to applicant Jashpal Bagh situated at Pendridih bypass was raided by police personnel of PS-Hirri and Tankers bearing registration numbers CG-07-BB-8947, CG-10A-5877, CG-10A-3554 containing diesel and Kerosene oil were seized from the yard of the garage. Loose Kerosene oil and other chemicals were also seized. On the basis of allegations that the applicants are engaged in manufacturing diesel oil by using Kerosene oil with the help of various chemical and the said adulterated diesel is used in the vehicles, the offence was registered and the arrest was made.
7. After the completion of investigation, charge-sheet has been filed. It is submitted by counsel for applicant that so far the witnesses examined by the prosecution have turned hostile and that there is no documentary evidence in the form of any forensic or chemical analysis report to prove that the diesel found in the tankers was adulterated one or manufactured from Kerosene.
8. Considering the facts and circumstances of the case and the fact that the offence is triable by the Magistrate and further considering that the trial

of the case is likely to take some time, this Court is of the opinion that all the applications deserve to be allowed.

9. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha