

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6802 of 2017**

R. Mohan Madrasi, S/o. Shri V. Kumar Sir Madrasi, Aged About 36 Years,
R/o. Street No. 3, Jone - 2, Khursipar Bhilai Nagar, Distt. -Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station : Mandir Hasoud, District
Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vipin Tiwari, Advocate

For Respondent/State : Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/12/2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.64/2015, registered at Police Station – Mandir Hasoud, District – Raipur (C.G.) for the offence punishable under Section 120-B, 409, 420, 467, 468, 471 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. Charge-sheet of the case was filed showing the applicant as absconder and as soon as the applicant came to know about the case, he himself has surrendered in Police Station – Mandir Hasoud on 15.07.2017,

thereafter, he is in jail. It is submitted that there is no evidence against the applicant in prosecution case to make out any case against him. It is also submitted that the other co-accused persons have been tried and all of them were acquitted by the trial Court and the applicant has also the similar case, hence, prayed that applicant be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant had been a absconder and further applicant has played main role in commission of offence as alleged because he was the owner of one of the tanker that was seized by the police. It is further submitted that the trial of the case is yet to begin, for this reason, the applicant is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The brief facts of the case are that the complainant- Neeraj Kumar Dixit, Manager of Monet Steel Plant, Mandir Hasoud lodged a report that one tanker departed from the factory premises carrying 22000 liters of furnace oil has not been reached to its destination. After lodging FIR and during the investigation, the said truck was found in service center in Nandghat, District – Raipur. It was discovered by the investigation officer that adulterated and fake furnace oil was being manufactured in the said service center by stealing the furnace oil from truck and tankers and on this basis, case has been registered against the applicant and others.

6. Considered the submissions and the contents of the case diary. Taking into consideration this fact that the applicant is just one of the co-accused and not a main accused in this case and further taking into consideration this fact that case against other co-accused persons has already been decided by the trial Court resulting in their acquittal, the trial of the case is likely to take some time and conditions can be imposed to secure presence of the applicant before the trial Court and the case is triable by Judicial Magistrate First Class, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge