

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7241 of 2017

- Subba Singh S/o Ramkanwal Singh, Aged About 35 Years, R/o Near the house of Rajkumar Sharma, Jakir Chowk, New Khursipar, Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Urla, Raipur, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant – Smt. Fouzia Mirza, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-12-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant was arrested on 26-09-2017 in connection with Crime No.4/2017 registered at P.S. Urla, Raipur, District Raipur, C.G. for the offence under Section 407 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is owner of the truck No. C.G. 07 C 5388. The applicant got load of iron channels to be transported to Nepal, through Agra-Orai Roadlines on 19-08-2015 which was booked by broker Mukesh Joshi. The truck of the applicant was taken by his driver along with the consignment. While traveling to Nepal the truck was stopped in the border area because some agitation was going on in Nepal. The said truck remained stationary for 4 to 5 months in that place. During this stage, the truck developed mechanical fault, because of which the applicant had to send another vehicle in which the

consignment was brought back to Banaras and stored in a place. The broker Mukesh Joshi and receiver of the consignment Manish Agrawal both enquired about the consignment and the applicant informed them. Manish Agrawal himself came to Banaras and assured that the consignment is secure in Mahmudganj, Banaras. As there were additional dues because of the storage rent, it was agreed between the parties that rent of the godown will be paid by the recipient of the consignment, thereafter, the rent was not paid and the consignment was removed to some other place by the owner of the said godown. The applicant has in no way committed any offence, he is in jail since 26-09-2017. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that in the memorandum statement it is clearly stated by the applicant himself that the goods consigned to him are presently missing from the place where they were stored. Further, there is statement of the witnesses that after the agreement of transport from Banaras to Nepal was made to the applicant, the applicant went in hiding, because of which the goods were misappropriated. Hence, in these conditions, the applicant is not entitled for grant of regular bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Facts of the case have been mentioned hereinabove in the submission made by learned counsel for the applicant. The FIR was lodged on 03-01-2017 after a lapse of more than 1½ years, the applicant had been absconding and then he was arrested on 26-09-2017.

6. Considered on the submissions made and contents of the case

diary. It appears that the applicant is local resident of District Durg, his appearance before the trial Court can be ensured by imposing condition, presently after filing of the charge sheet the case is before the trial Court and the trial of the case is likely to take some time, hence, for these reasons, the application filed by the applicant for grant of bail deserves to be allowed.

7. Consequently, the application (MCRC No.7241/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge