

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7358 of 2017

Saurabh @ Manish Tiwari S/o Rajendra Prasad Tiwari, Aged About 33 Years R/o Bramhan Nagar, Poni Road, Shuklaganj, District Unnav, Police Station Gangaghat, Uttar Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

And

MCRC No. 7420 Of 2017

Sidadharth Shrivastava S/o Sudhir Kumar Shrivastava, Aged About 22 Years R/o Village Pure Bhaiya Post Pure, Madhosingh, Police Station Antu, District Pratapgarh, Uttar Pradesh.

---- Applicant

Vs

State Of Chhattisgarh Through District Magistrate, Durg, For Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For Respective Applicants : Ms. Renu Kochar and Mr. Rajesh Jain, Advocates.

For State/respondent : Mr. Anil Pandey, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/12/2017

1. The applicants have been arrested in connection with Crime No. 361/2017 registered at Police Station – Supela, District Durg (CG) for alleged commission of offences under Section 406, 409, 411/34 of Indian Penal Code

2. It is alleged that between 06-03-2017 & 13-03-2017, a consignment

of two bags containing mobile handsets were received in the Office of I-Logistic Company, Supela, Bhilai from Amazon Company, Bangalore. Co-Accused Dinesh Sahu was a Manager in the said Supela Office of the Logistic Company. It is further alleged that Dinesh Sahu sold the mobile handsets received in consignment and kept the amount of sell consideration with him. It is further alleged that out of those mobile handsets, few mobile handsets were sold by applicant Siddharth to Shekhar Accessories Lucknow. The allegation against applicant Saurabh is that he was engaged in loading and unloading of the goods of Amazon Company at Bangalore Airport. On the basis of memorandum statement of applicant Saurabh, many mobile handsets were seized from him.

3. Learned counsel appearing for the applicants argued that both the applicants are not employees of I-Logistic Company, Supela. The main accused is Dinesh Sahu. It is further argued that on the basis of evidence collected by the prosecution, the only offence under Sections 406 & 411 IPC is made out against both the applicants and not under Section 409 IPC.

4. Learned counsel appearing for the State opposed the prayer for grant of bail to the applicants.

5. Taking into consideration the totality of the facts and circumstances of the case, particularly, the period of custody of the applicants, the offence is triable by a Judicial Magistrate First Class, trial is likely to take time, without commenting on merits of the case, I am inclined to grant bail to the applicants.

6. Accordingly, both the applications are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- along with one local surety of Rs. 10,000/- each to the satisfaction of the concerned Trial Court. They shall appear before the Trial Court regularly on each and every date, as and when directed, unless exempted from appearance.

Certified copy as per rules.

Sd/-

(Arvind Singh Chandel)

Winter Holiday Judge