

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8270 of 2016

- Sayyed Nasir S/o Abbu Hussain, Aged About 33 Years R/o Sanjay Nagar, Madini Chowk Raipur, Police Station Tikarapara, Tahsil & District Raipur Chhattisgarh --- **Applicant.**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Mahasamund District Mahasamund Chhattisgarh ---- **Respondent**

For the applicant	:	Mr. Shailendra Dubey, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 195 of 2015 registered at Police Station Mahasamund (C.G) for the offence punishable under Sections 407, 420, 411, 467, 468, 379, 120-B, 201, 471/34 of IPC.
2. As per the prosecution case, the applicant was a driver of Truck No.C.G.07-C/9156 which was owned by Amit @ Banti Jain @ Aatin. Certain furnace oil was loaded from HPCL premises which was transported to Raigarh Power Plant and Amit @ Banti Jain was the transporter. It is alleged that during transit, the original furnace oil loaded from HPCL was sold to different purchasers instead the other oil was mixed and the original oil was unloaded to Shubham Organic Company. Thereafter, on the basis of forged bill, the tanker was unloaded in Green Petroleum Field Siltara. The applicant being driver has been made accused alongwith other persons.
3. Learned counsel for the applicant would submit that the applicant was

driver of the truck which was owned by Amit Jain @ Atin and he has followed the instructions of Amit Jain and he is not beneficiary. It is further submitted that the memorandum would show that the applicant has not committed any offence and has only obeyed the instructions of his owner as he was bound to follow the owner's direction. It is further submitted that the applicant would be the best witness in the case of prosecution instead he has been made accused. He further submits that the applicant is in jail since 10.08.2015 and looking to the role played by him, he may be granted bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents. It appears that the applicant was driver of the vehicles owned by Amit Jain @ Banti Jain @ Aatin and was in-charge of the Truck in which the furnace oil was loaded at HPCL and on the instructions of his owner and others the furnace oil was unloaded in different parts to make up the loss different oil was mixed.
6. Taking into such evidence available against the applicant evidence and the role played by him prima facie it appears that the applicant is not beneficiary. Therefore, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE