

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8669 of 2016

Deepak Kumar, S/o. Ayodhya Prasad, Aged About 49 Years, R/o. Vasundhra Nagar, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. U.K.S.Chandel, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.195/2015 registered at Police Station- Mahasamund, District Mahasamund (C.G.) for the offence punishable under Sections 420, 407, 379, 411, 467, 468, 471, 120-B & 201 of Indian Penal Code.
2. As per the prosecution case, certain furnace oil was purchased by Jindal Steel from HPCL Mandir Hasoud which were to be carried to Raigarh Power Plant. Furnace oil was sent by Umesh Sao owner of Mandal Oil Carrying Company, he was given contract for transportation and the present applicant was the Manager in such Mandal Oil Carrying Company, instead of carrying entire oil to the Jindal Steel, oil was sold to the different purchasers including one Shyam Chemical which was owned by Kamal Chouhan wherein Bhek Singh was Stock Manager and Prakash Chakradhari was

Vehicle Manager and it is alleged that in connivance with each other, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant is only an employee of Umesh Sao and he has no authority to decide the destination of the vehicle, therefore, the applicant has not committed any offence and, as such, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, which shows that the applicant was working under the instructions of Umesh Sao and he was Manager. Considering the role played by the present applicant and the fact that the charge sheet has been filed and the applicant is in jail since 02.06.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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 his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge