

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 260 of 2017

Kamal Kishore Sain S/o Shri Harinarian Sain, Aged About 37 Years
R/o Surya Vihar, Bhilai, Police Station Bhilai 3, District Durg,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali,
Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For applicant - Dr. N.K. Shukla, Sr. Advocate with Shri Vinay Pandey,
Advocate.

For Respondent/State –Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/02/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 8/11/2016 vide M.Cr.C. No.6489 of 2016.

2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.195/2015 registered in Police Station City Kotwali, Mahasamund, District Mahasamund (C.G.) for offence punishable under sections 407, 420, 411, 379, 467, 468, 471, 120-B, 201/34 of the Indian Penal Code.

3. As per the prosecution case, certain furnace oil were purchased by Jindal Steel from HPCL Mandir Hasoud, which were to be carried to Raigarh Power Plant. The transporter of the said furnace oil was Umesh Kumar Sahu, the owner of Mandal Oil Carrying Company and one Deepak Kumar Pandey was the Manager in such Mandal Oil Carrying Company, instead of carrying oil to Jindal Steel, the said oil was sold to different purchasers including one Shyam Chemical, which was owned by the present applicant, Kamal Kishore Sain. Thereby the applicant in

connivance with the other co-accused have misappropriated the oil by hatching conspiracy. The applicant was inculpated after the Manager of Umesh Kumar Sahu, transporter namely Deepak Kumar Pandey apprehended and on his statement recorded on 3/06/2016 the name of the present applicant revealed. Thereby the offence has been committed.

4. Learned counsel for the applicant submits that without entering into merits of this case, he has deposited entire amount of Rs.8,16,299/- before the court and there is every likelihood that some compromise will be affected. He submits that having deposited the amount no chance of tampering of evidence would arise, the applicant is in jail since 25/06/2016 and charge sheet has been filed, no further investigation would be necessary, therefore the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that entire amount of Rs.8,16,299/- has been deposited before the court.

6. Perused the order sheet dated 2/02/2017 of the court below. Taking into fact that amount of Rs.8,16,299/- has been deposited before the court below, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE