

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1576 of 2017

Manish Amarani S/o Shri Ashok Amarani, Aged About 24 Years R/o Katora Talab, Raipur, District Mahasamund (As Mentioned In Order Of Learned Court Below, Originally Raipur) Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, Tahsil & District Mahasamund Chhattisgarh

---- Respondent

For applicant - Shri Vaibhav P. Shukla, Advocate.
For Respondent/State –Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

04/05/2017

1. This third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 21/01/2016 vide M.Cr.C. No.6906/2015 and second bail application was dismissed for want of prosecution on 6/02/2017 vide M.Cr.C. No.924/2017.
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 Mahasamund for offence punishable under sections 467, 468, 471, 420, 34 and 120 B of Indian Penal Code.
3. Case of the prosecution, in brief, is that furnace oil which was loaded from H.P.C.L. was being transported to Raigarh. During transportation from H.P.C.L. to Raigarh furnace oil was taken out from the tanker and was sold to different purchasers and black oil was being mixed in it. It is alleged that the applicant was one of the commission agent. Initially the applicant used to sell the tanker, subsequently he used to purchase oil itself.
4. Learned counsel for the applicant submits that the applicant is in jail

since 21/06/2015 and he was only commission agent and he has already deposited Rs.8,16,298/- before District Nazir which was the amount which was to be paid and statement of the complainant has already been recorded. He submits that considering the pre-trial detention, the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. It appears that initially the applicant after rejection of bail has gone to Supreme Court which was withdrawn on 22/08/2016. Subsequently, Lalit Kumar Kapoor complainant has been examined and one receipt dated 28/03/2017 would show that applicant has deposited amount of Rs.8,16,298/- according to him it was the amount involved with respect to the applicant. Taking into such fact, the pre-trial detention of the applicant, he is in jail since 21/06/2015 and complainant has already been examined, this court is inclined to release the applicant on bail.

7. Accordingly, the third 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