

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1924 of 2017

Amit Jain @ Banti Jain S/o Madan Lal Jain, Aged About 40 Years
R/o Kachhari Chauk, Jail Road Raipur, Police Station Devendra
Nagar, District Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant - Shri S.C. Verma, Advocate.
For Respondent/State –Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

04/05/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 21/01/2016 vide M.Cr.C. No.7663/2015.
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 379, 411, 407, 420, 467, 468, 471, 120-B, 34 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the applicant was engaged in the business of carrying furnace oil from H.P.C.L. Mandir Hasoud to Raigarh Power Plant and other companies as a transporter. During such transportation, after loading of original furnace oil from HPCL Mandir Hasoud, it was sold to the different purchasers and instead of original furnace oil, the applicant and the other co-accused inserted mixed oil in place of original furnace oil. The original furnace

oil was being unloaded to Shubham Organic Company Birkoni. It is the allegation that the forged bills of black furnace oil was prepared from Subham Organic Birkoni in the name of Kornak Pesticide and Agro Product Rasmuda, Durg and the tanker was unloaded in Green Petroleum Fuels, Siltara. The applicant being the owner of the Padma Enterprises with the help of other transporters and the agent have misappropriated the huge amount and prepared the forged bill and invoices. Thereby the offence is committed.

4. Learned counsel for the applicant submits that trial has not concluded and the applicant is in jail since 7/05/2015 and he was transporter. He submits that trial may further take some time and offences are triable by Magistrate, taking into period of detention of the applicant he may be released on bail.

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

6. Earlier bail application was dismissed on 21/01/2016. Taking into facts, evidence available, memorandum of Tara Pado Layak and memorandum statement of the applicant and also taking into detention of the applicant he is in jail since 7/05/2015, offences are triable by Magistrate, 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

