

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1957 of 2017

Prem Lal Ramteke, S/o. Pusau Ram Ramteke, Aged About 63 Years,
Occupation Transporter, R/o. Gandhinagar, Bhilai- 3, Near Durga Mandir,
District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: The District Magistrate, Raigarh,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate

For Respondent : Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/04/2017

1. This is the second 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.110/2015 registered at Police Station- Kotararoad, District Raigarh (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120-B, 407, 408, 34 of Indian Penal Code. The first bail application was dismissed as withdrawn on 21.12.2016 with liberty to repeat the same after examination of the complainant.
2. As per the prosecution case, a report was made by the complainant that the applicant who was operating the transport change the original registration number of the Truck i.e. C.G.04 HQ- 4736 and made it C.G.04 HQ- 4745 and transporting the furnace oil from Mandir Hasaud to Raigarh and during transportation sold the same and change the furnace oil.

3. Learned counsel for the applicant would submit that this is the second bail application, the first bail application was dismissed as withdrawn on 21.12.2016 with liberty to repeat the same after examination of the complainant. He further submits that the complainant has been examined on 30.01.2017 and he has not supported the case of the prosecution. It is further submitted that the entire amount of Rs.8,16,298/- has been recovered from the applicant and as such no further investigation is necessary, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the complainant has been examined and he has not supported the case of the prosecution.
5. Perused the statement of the complainant namely Lalit Kumar Kapur, which is filed alongwith the bail application, which shows that he has not supported the case of the prosecution. He further made a submission that the entire amount of Rs.8,16,298/- has been adjusted and recovered from the applicant. Considering the same, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and 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