

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 853 of 2018

- Lokesh Kumar Gupta S/o Vishnu Kumar Gupta Aged About 27 Years
R/o Post Office Ward, Amatalab Road, Dhamtari, Tahsil And District
Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chattisgarh Through The Police Station Magarload District
Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Prateek Sharma, Advocate.
For Respondent/State	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/04/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.61/2015 registered at Police Station– Magarload, District– Dhamtari (C.G.) for the offence punishable under Sections 420 & 409/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case only for the reason that he is acquainted with the main accused Vishnu and Sunita Gupta who are the rice mill Manager and the owner of the rice mill respectively. Applicant has no connection with the alleged commission of the offence. The main accused persons have already been granted bail by the co-ordinate Bench of this Court. Hence, it is prayed that applicant may also be granted regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that no case is made for grant of bail.
4. Heard both the parties and perused the case diary.
5. It is alleged in the prosecution case that M/s Matritwa Mini Rice Mill was entrusted with paddy for custom milling and about 11,185 quintals of rice was to be deposited with the Government Department. Subsequent to rice milling, only 7502.79 quintals rice was deposited by the rice millers and it was found that 3599.02 quintals of rice was misappropriated. Allegation against this applicant is that he is person who collaborated the main accused persons.
6. Considering on the entire material present in the case diary, allegations levelled against this applicant and further considering the fact that other similarly placed accused namely Vishnu, who happens to be **owner** of the said Rice mill, and Sunita Gupta, who is the Manager of the rice mill, have already been granted bail. I am of the view that present applicant also deserves to be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his 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/-
(Rajendra Chandra Singh Samant)
Judge