

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1473 of 2018

- Anil Dhanraj Sahu S/o Dhanraj Sahu Aged About 36 Years R/o- Vrindavan Nagar Near Panch Mandir Sahu Mohala Binaki Layout Nagpur, Maharashtra., District : Nagpur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Police Station Bhilai-3 Through- District Magistrate Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

MCRC No. 2086 of 2018

- Surendra Kumar Patel S/o Ram Sudarshan Patel Aged About 34 Years R/o- Village And Post Bheenta P.S. Gudh, Tahsil Rampur, District- Reevea, Madhya Pradesh., District : Rewa, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through- District Magistrate Police Station Purani Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

&

MCRC No. 1426 of 2018

- Dharmesh Satya Prakash Singh @ Appu Singh S/o Satya Prakash Singh Aged About 28 Years R/o- House No. 1060, Plot No. 22, Laxmi Nagar, Wardhamana, Amravati Road, Nagapur, (Maharashtra), District : Nagpur, Maharashtra

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate, Durg, P.S. Bhilai-3, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants : Mr. Avinash Chand Sahu, Advocate in
MCRC Nos.1473/2018 & 2086/2018.

For Respondent/State : Mr. Rajesh Kumar Sharma, Advocate in
MCRC No.1426/2018.
Mr. Anant Bajpai & Mr. Aditya Sharma,
Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on board

19/04/2018

1. Since all the bail applications arise out of the same crime number, they are being disposed of by this common order.
2. All these applications are first bail application of the applicants under Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants as they have been arrested in connection with Crime No.396/2017 registered at Police Station – Purani Bhilai, District – Durg(C.G.) for the offence punishable under Sections 406, 407 & 414/34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question. Applicant Anil Dhanraj Sahu in MCRC No.1473/2018 is in jail since 6.1.2018, Applicant Surendra Kumar Patel in MCRC No.2086/2018 is in jail since 22.11.2017 & Applicant in MCRC No.1426/2018 is in jail since 18.12.2017. Charge-sheet has been filed against these applicants after completion of investigation. No case is made out against them on the basis of the material present in the charge-sheet. The case is still pending before the trial Court. The case is triable by Judicial Magistrate First Class and the trial is likely to take some time before its conclusion. Hence, it is prayed that they may be released on

regular bail.

4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, a consignment of Faro Aluminum 27 metric tonne worth Rs.23,20,905/- was dispatched from Sharthak Mettles, Bhilai in the truck bearing registration No.MH-40Y-0469 driven by applicant Surendra Kumar Patel. The consignment was transported on land and thereafter it was transported on ship to Itali. A communication was received by the complainant Anil Kumar Bansal, Director of Sharthak Mettles that the consignment that was received contained some soil and pillars of cement to make up the free weight and some part of the consignment was misappropriated by the carrier or other.
7. After lodging of FIR, applicant Surendra Kumar Patel in MCRC No.2086/2018 was interrogated who made the statement before the police, that with the help of applicant Dharmesh Satya Prakash Singh in MCRC No.1426/2018 he had tempered the seal of the container and stolen some of Faro Aluminum. Some Faro Aluminum was seized at his instance from applicant Anil Dhanraj Sahu. Hence, this case.
8. After due consideration in all the material present in the case diary, I am of this view that the case is triable by JMFC and the trial is likely to take some time, no purpose would be served if the applicants are kept in detention till the conclusion of trial. For this reason, I am of this view that it is a fit case where the applicants should be enlarged on regular bail.

9. Accordingly, all the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that both the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the trial Court concerned, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha