

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 7207 OF 2017

Puran Singh Chandel, S/o Late Shri Dharam Singh Chandel, aged about 57 years, Occupation- Senior Assistant at Paddy Storage Centre, Pendra Road, P.S. Gourela, District Bilaspur, R/o Mahamayapara, near Post Office, Ward No.8, Ratanpur, District Bilaspur, Civil and Revenue District Bilaspur (C.G.)

... Applicant

versus

State of Chhattisgarh, through In-charge Officer of Police Station Gourela, District Bilaspur (C.G.)

... Respondent

For Applicant	:	Mr. R.S. Marhas, Advocate.
For Respondent-State	:	Mr. M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/01/2018

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 6.7.2017 in connection with Crime No. 49/2016 registered at Police Station- Gourela, Pendra Road, District- Bilaspur, for the offence punishable under Sections 407, 409 and 420 of IPC.
2. Case against the Applicant as per the prosecution is that the Applicant in the capacity of Senior Assistant at the Paddy Storage Centre, Pendra Road, District Bilaspur, is said to have permitted two of the Rice Mills namely Chhattisgarh Rice Mill, Kotmi and Harihar Rice Mill, Pendra, who are the co-accused in the present crime, to lift paddy without proper issuance of any delivery order.
3. Learned Counsel for the Applicant submits that it is a case where the co-accused Mills had already a licence in the past for lifting paddy and they have been doing it in continuance since long and hoping the extension of lifting the paddy to be given to the year 2014-15, the Applicant as a Senior

Assistant is said to have permitted the co-accused Mills to lift the paddy. Learned Counsel for the Applicant further submits that the Applicant had in similar manner permitted the lifting of paddy to three other Mills also to whom the department had later on issued delivery orders and such was the practice in the routine at the Paddy Storage Centre and therefore the Applicant is innocent and has been falsely implicated in the case and he may be released on bail.

4. Learned Counsel for the State however opposing the bail application submits that the Applicant has played an active role in the commission of the offence inasmuch as he had permitted the two Rice Mills to lift paddy without there being any delivery order. Thus, prayed for the rejection of the bail application.

5. Considering the entire facts and circumstances of the case, particularly taking note of the fact that the Applicant has already remained in jail for a period of about 6 months and also considering the fact that the two Mills have been doing business with the Centre for long in the past and the Applicant in similar manner had also permitted the three other Rice Mills to lift paddy and in whose favour delivery orders were issued subsequently and he under similar belief also permitted the two co-accused Rice Mills to lift paddy, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge