

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1107 of 2018**

Smt Sunita Gupta W/o Shri Sujeet Gupta Aged About 40 Years R/o Near Teen Darshan Mandir Camp 01, Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through P.S. Chawni, Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 5156 Of 2018**

Sujeet Gupta S/o Late Shivnandan Prasad Gupta Aged About 34 Years R/o Near Teen Darshan Mandir Camp 01, Bhilai, District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through P. S. Chawni, District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicants : Shri Maneesh Sharma, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.09.2018**

Heard.

- Both these applications are being decided by this common order as they arise from the similar incident. M.Cr.C.(A) No. 1107 of 2018 is the first application under Section 438 of Cr.P.C. filed by the applicant for grant of anticipatory bail, who is apprehending arrest in connection with Crime No.437 of 2018, registered at Police Station – Chawni, District – Durg, Chhattisgarh for the offences punishable under Sections 420, 482 and 285

read with Section 34 of the Indian Penal Code and Sections 3 and 7 of the Essential Commodities Act. M.Cr.C. No. 5156 of 2018 is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 by the applicant for grant of regular bail to him, who has been arrested in connection with the aforesaid offence.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. The applicants are running an industry styled as M/s. Maa Mathurasani Chemical which is engaged in manufacture of furnace oil. A false allegation has been made by the complainant that they are manufacturing adulterated furnace oil and selling the same as a misbranded product using the brand of HP and other reputed companies. After completion of investigation, the charge-sheet has been filed. According to the material present in the case-diary, it appears that no person is personally aggrieved in this case. Hence, for these reasons, the applicants are entitled for grant of regular/ anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the applicants have acted in such a manner which is caused loss to the reputed companies which are the government corporations. Hence, for these reasons, none of the applicants deserve to be enlarged on regular/ anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.

5. The complaint against the applicants is that in the mid of the township,

the applicants are running their concerned firm from where the black furnace oil kept in various containers were seized. On the basis of the seizure so made, offences under Sections 420, 482, 385 read with Section 34 of the IPC and Sections 3 and 7 of the Essential Commodities Act were registered. It is alleged that these applicants are manufacturing adulterated and misbranded furnace oil.

6. Considered the material present in the case-diary. The investigation has been completed and there is no reason for any arrest or detention of applicant – Smt. Sunita Gupta in M.Cr.C.(A) No. 1107 of 2018 and no requirement of further detention of applicant – Sujeet Gupta in M.Cr.C. No.5156 of 2018. Hence, both the applicants deserve to be released on regular and anticipatory bail.

7. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are allowed.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of applicant – Smt. Sunita Gupta in M.Cr.C.(A) No.1107 of 2018 in connection with the aforesaid offence, she shall be released on bail by the Officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself available for interrogation before the Investigating Officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.'

11. It is directed that applicant – Sujeet Gupta in M.Cr.C. No. 5156 of 2018 shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-
(Rajendra Chandra Singh Samant)
Judge