

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5313 of 2018

- Tapu (wrongly mentioned as Tasu in impugned order) @ Chinmay Bose, S/o Ranjan Bose, aged-about 30 years, R/o Unsani, Thana- Joagachcha, Distt.- Howrah (West Bengal)

---- Applicant

Versus

- State Of Chhattisgarh Through: District Magistrate, Korba, Distt. Korba (C.G.)

---- Respondent

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MCRC No. 5338 of 2018

- Tapu (wrongly mentioned as Tasu in impugned order) @ Chinmay Bose, S/o Ranjan Bose, aged-about 30 years, R/o Unsani, Thana- Joagachcha, Distt.- Howrah (West Bengal)

---- Applicant

Versus

- State Of Chhattisgarh Through: District Magistrate, Korba, Distt. Korba (C.G.)

---- Respondent

For Applicant

:Mr. Sanjay Patel, Advocate.

For Non-applicant/State

:Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/08/2018

1. The above mentioned both the bail applications are filed under Section 439 of the Code of Criminal Procedure by one and only applicant namely Tapu @ Chinmay Bosei, therefore, they are heard analogously and decided by this common order.

2. The accused/applicant has moved these bail applications under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in

connection with Crime Nos. 162/2018 & 161/2018 registered at Police Station Balco, Korba, Distt. Korba (C.G.) for the offences punishable under Sections 406, 407, 34, 420 & 120(B) of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the crime in question. No case is made out against him. According to the material available in the case diary, the applicant is the owner of one mobile shop and has no connection with the offence committed in this case. He submits that the applicant is languishing in jail since 29.04.2018 and the charge sheet has already been filed and, therefore, the applicant is entitled to be released on regular bail.

4. Per contra, counsel for the State opposes the bail application and submits that the applicant has conspired with the other co-accused persons in misappropriation of consignment of aluminum and, therefore, he is not entitled to be released on bail.

5. Heard both the parties and perused the case diary.

6. As per prosecution case, the complainant namely Mukesh Rai had hired a truck for transportation of about 15.031 metric tonne of aluminum from Balco to Kolkata from the owner of truck and the said truck was driven by another co-accused namely Munna Yadav but the said consignment of the aluminum never reached to the destination and the said truck with loaded articles was misappropriated by the owner and driver of the said truck. During investigation, it was found that a phone call was made to the co-accused persons from Kolkata by using one mobile sim card and on the basis of which, this applicant has been arrested for the reasons that he had supplied the sim card to one of the co-accused and thereby committed the aforesaid offence.

7. After hearing learned counsel appearing for the parties, and considering the

material available on record and the fact that applicant is in jail since 29.04.2018 ; charge sheet has already been filed; and the role of the applicant in the offence in question; this Court is of the opinion that the applicant this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on 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 Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

D/-