

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6747 of 2018

- Santosh Gupta, S/o Late Shivnandan Gupta, Aged About 38 years, R/o 152, 3 Darshan Mandir, Camp-1, Road No. 18, Bhilai, P.S. Chawni, Distt. Durg (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mohan Nagar, District Durg Chhattisgarh

---- Respondent

AND

MCRC No. 6317 of 2018

- Naresh Mathur, S/o Ramchand Mathur, Aged About 42 years, R/o 274-275, Subhash Market, Zone-2, Sector-11, Bhilai, P.S. Khursipar, District Durg (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through- The District Magistrate Durg, District Durg

---- Respondent

For Applicant (in MCRC 6747/2018) : Mr. Maneesh Sharma, Advocate

For Applicant (in MCRC 6317/2018) : Mr. Uttam Pandey, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. GA

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

03/10/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The applicants have preferred these bail applications under Section

439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 153/2018 registered at Police Station-Mohan Nagar, Distt. Durg (C.G.) for the offence punishable under Sections 420, 407, 120 B & 34 of the IPC.

3. As per prosecution story, on 22.04.2018 Police authority received secret information that Tanker No. CG-12, C-3087 loaded with furnace oil mixed with black oil is stationed near D-Mart Highway after coming from Rajnandgaon and transporting illegally the said oil. On the basis of said information the said vehicle was stopped. It was found that the vehicle was loaded at Bharat Petroleum Corporation Limited Lakholi Raipur for unloading at Madava Power Plant Tendubhatha, Janjgir-Champa, but on being instructed by Applicant Naresh Mathur (M.Cr.C. No. 6317/2018), co-accused/driver Shashi Kumar Yadav take the vehicle as instructed by him, It is further alleged that the Applicant Naresh Mathur (M.Cr.C. No. 6317/2018) mixed there black oil. Allegedly, godown where the said act was done has been obtained by the Applicant Santosh Gupta (M.Cr.C. No. 6747/2018), thereafter co-accused/driver Shashi Kumar Yadav carrying the said vehicle towards Madva Power Plant. On the basis of above, offence has been registered, applicant Santosh Gupta has been arrested on 08.06.2018 and applicant Naresh Mathur has been arrested on 07-05-2018.
4. Learned counsel appearing on behalf of the Applicant Santosh Gupta (M.Cr.C. No. 6747/2018) submits that the applicant Santosh Gupta is innocent and he has been falsely implicated in the present case, he has taken the godown for rent just before some days of the incident, there is nothing on record on the basis of which any offence can be made out against him, he is custody since 08-06-2018, charge-sheet has been filed and trial will take some time. Therefore, he may be

released on bail.

5. Learned counsel appearing on behalf of applicant Naresh Mathur (M.Cr.C. No. 6317/2018) submits that the applicant Naresh Mathur is innocent and has been falsely implicated in the present case, he further submits that co-accused Shashi Kumar Yadav has already granted benefit of bail by this Court vide order dated 23.08.2018 passed in M.Cr.C. No. 5464/2018, applicant Naresh Mathur is in custody since 07.05.2018. Therefore, he may be released on bail.
6. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
7. I have heard learned counsel for both the parties.
8. Considering the above facts and circumstances of the case, particularly considering the fact that the other co-accused Shashi Kumar Yadav has already been granted benefit of bail by this Court, the applicants are in custody since 08.06.2018 & 07.05.2018, charge-sheet has been filed and trial will likely to take some time to conclude, without further commenting on merits of the case, I am inclined to release the applicants on bail.
9. Accordingly, the bail applications are allowed.
10. It is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs.20000/- with one local solvent surety in the like sum to the satisfaction of the trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge