

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 120 of 2019**

Mangesh Chakote, S/o Bhimshakar Chakote, aged about 32 years, R/o Godhni Simplet No.104, Vinoba Nagar, Badsara, Nagpur, presently residing at Hudkeshwar Nagpur (Maharashtra). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Somni, District Rajnandgaon (CG). **---- Non-applicant**

For Applicant : Mr. S.S. Baghel, Advocate
For Non-applicant : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

31.01.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.175/2018 registered in Police Station Somni, District Rajnandgaon for the offence punishable under Section 407 of IPC.
3. Case of the prosecution, in brief, is that the complainant Mohan Rathi, who is a Director of Bhilai Conductor Private Limited had sent 9017 kgs copper winding wire, the worth of Rs.56,09,553/- to C.G. Industrial Solution Limited, Ahmednagar by truck registration no.M.H.40.N.0154 of Nagpur-Bombay carrier. The driver of the vehicle was the applicant. The applicant did not deliver the assignment.
4. Counsel for the applicant submits that the applicant has not committed any offence and has been falsely implicated in the case. He further submits that the charge-sheet has been filed and the applicant is in jail since long back. The truck was break-down thus he was failed to deliver the said assignment hence he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to the misappropriated property of Rs.56,09,553/- and looking to the seriousness of the offence; and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE