

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2772 of 2019

- Sunny Singh S/o Gurdaman Singh, Aged About 35 Years, R/o E.W.S. 13/14, Janta Quarter, Nehru Nagar East, Tahsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Amanaka, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri T.K. Jha, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-03-2019 in connection with Crime No.103/2019 registered at P.S. - Amanaka, Raipur, District Raipur, Chhattisgarh for the offence under Section 420, 467, 468, 471 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 19-03-2019. The fact is this, that the applicant is a transporter and he had received work order from the complainant company, because of which he transported the goods for the complainant company and has received Rs,12,57,000/- as transportation charges. The allegations made regarding defalcation are false and baseless. The case is before the trial Court and the trial is likely to take some time. Therefore, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant gave inducement to the complainant that he has contract from R.R. Construction Company and with respect to the transport charges the applicant has submitted forged e-way bills for receiving the

payment in favour of R.R. Construction company which he has misappropriated. Therefore, he is not entitled for grant of bail.

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

5. According to the prosecution case, the applicant himself is transporter and he gave inducement to the complainant that he has contract from R.R. Construction Company. Being induced the complainant provided the applicant with work order, on the basis of which some transportation was made. Thereafter, it is alleged that this applicant has received Rs.12,57,000/- on the basis of some forged e-way bill which was to be paid to R.R. Construction Company on the assurance given by the applicant that the same will be reimbursed by the R.R. Construction Company. When the complainant made enquiry he has found that there is no company named as R.R. Construction Company.

6. Considered on the entire material present in the case diary and after considering the fact that the case is now before the trial Court and the trial is likely to take some time, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge