

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4036 of 2019

Ajay Sharma, S/o. Shri Mohan Sharma, Aged About 36 Years, R/o. Shubhash Ward, Bhatapara, District Balodabazar - Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Mainpur, Tehsil and District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Paranjpe, Advocate
For Respondent/State	: Mr. Shubhash Yadav, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/08/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.87/2015, registered at Police Station – Mainpur, District – Gariyaband (C.G.) for the offence punishable under Section 420, 406, 407, 467, 468 and 471 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant. The applicant is in jail since 29.05.2019. The case has been investigated and charge-sheet has been filed. The applicant is transporter and under contract, he had done the

transportation work for MARKFED in the year 2014-15 regarding which he was given completion certificate and all the security amount deposited were returned to him. However, on the basis of one complaint that two trucks loaded with paddy went missing, FIR was lodged against the driver and owner of the said trucks. The applicant is not the owner of the said trucks and according to terms and conditions of the contract, the paddy was to be transported only in the trucks of the transporter and the sub-contractor of the transporter, regarding which a list was provided to the person concerned of the Paddy Procurement Center. Two unknown trucks were loaded with paddy at the behest of the Manager of the Paddy Procurement Center, which went missing, therefore, the applicant is not responsible for the same. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statement of the Manager of the paddy procurement center, the trucks were loaded on the instructions given by the Manager of the transporter, therefore, the applicant, who is transporter can not escape from the responsibility of embezzlement, therefore, the application for grant of regular bail be rejected.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is this that two trucks were loaded with paddy in the paddy procurement center Dhavalpur which were dispatched for destination, but they never reached to the destination. Hence, FIR has been lodged.

6. Considered on the submissions made and the contents of the case diary. After considering on the submissions made by the counsel for both the parties and also after perusing all the documents filed along with the application and for the reasons that the incident has taken place in the year 2015 and the applicant has made out a case for his defence, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge