

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4071 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, P.S.- Mainpur, Tehsil And District- Gariyaband, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 4104 Of 2019**

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

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station - Deobhog, Tehsil And District - Gariyaband, Chhattisgarh.

---- Respondent**And****M.Cr.C No. 4110 of 2019**

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

---- Applicant**Vs**

State Of Chhattisgarh Through - Station House Officer, Police Station - Deobhog, Tehsil And District Gariyaband, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Aditya S. Gupta, Advocate.
For the Respondents/State	:	Shri Ghanshyam Patel, G.A., Shri Adil Minhaj, P.L. and Ms. Akanksha Jain, Dy. G.A. for the State.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.09.2019**

Heard.

1. All these applications are being decided by this common order as they are identical in which the applicant is same. These are the first bail applications for grant of regular bail to the applicant who has been arrested in connection with Crime Nos.89, 63, 62 of 2015, registered at Police Stations – Mainpur and Deobhog, District – Gariyaband, Chhattisgarh for the offences punishable under Sections 420, 406, 407, 467, 468 and 471 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The applicant was an authorized transporter for a Paddy Collection Centre, Mainpur and his role was to supply trucks for transportation of paddy. Accordingly, the trucks were supplied by him but the drivers of the said trucks have misappropriated the said paddy. This applicant has been held responsible in the inquiry report, but this responsibility cannot be said to be a criminal responsibility. The applicant is in jail since 29.5.2019 in all the three cases. There are other cases of similar nature registered against him in which he has been granted bail by this Court as well as by the Coordinate Bench of this Court and the charge-sheets have already been filed. Hence, it is prayed that the applicant be enlarged on regular bail in all the three cases.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that in all the three cases after the loss of paddy was found during transportation an enquiry was made and this applicant has been directly held responsible for having misappropriated the paddy in collaboration with drivers and other persons. Hence, for these reasons, no case is made out for grant of regular

bail to the applicant in all the three cases.

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

5. In Crime No. 89 of 2015 in M.Cr.C. No. 4071 of 2019, truck bearing registration No. C.G.17 ZC 1591 was loaded with 600 bags of paddy weighing 231.77 quintals by driver Angad on 11.4.2015. After the truck was dispatched, it never reached the destination.

In Crime No. 63 of 2015 in M.Cr.C. No. 4104 of 2019, truck bearing registration No. C.G.04 A 0037 was loaded with 700 bags of paddy weighing 218 quintals by driver Suresh on 24.2.2015 and dispatched, it never reached the destination.

In Crime No. 62 of 2015 in M.Cr.C. No. 4110 of 2019, in between 3.3.2015 and 11.3.2015 trucks bearing registration No. C.G.04 J 4852 and C.G.04 JB 3319 were loaded with 1350 bags of paddy weighing 540 quintals which never reached the destination.

In the enquiry made by the Nodal Officer, the applicant being a transporter has been held responsible for the loss of paddy from the Paddy Collection Centre.

6. Considering the fact that the investigation has been completed in all the three cases, the case is now pending for trial before the trial Court and the applicant is granted bail in similar other cases by this Court as well as by the Coordinate Bench of this Court, therefore, I feel inclined to grant regular bail to the applicant in all the three cases.

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are 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/- in respect of each crime with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge