

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4140 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, Tahsil And District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe and Mr. Sharad Mishra,
Advocates.

For Respondent/State : Mr. H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/08/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 88/2015, registered at Police Station – Mainpur, District- Gariyaband (C.G.) for the offence punishable under Sections 420, 406, 407, 467, 468 & 471 of the IPC, 1860.
2. As per prosecution story, in the year 2014-2015, the applicant who is engaged in and doing the business of transportation has been awarded a tender by C.G. State Cooperative Marketing Federation for transportation of Paddy in Gariyaband District (C.G.) from Paddy Production Center to Paddy Storage Center. It is alleged that during the transportation of paddy, few trucks

which were loaded from Paddy Production Center for transportation to Paddy Storage Center have not reached to the Storage Center and have gone missing. Thereafter, complaint was made and subsequently to which FIR has been registered against unknown persons. Allegations against the applicant is that on his instruction, the missing trucks have been loaded.

3. Learned counsel appearing on behalf of the applicant submit that the applicant has been falsely implicated in the present case. From the material collected by the prosecution *prima facie* no case has been made out against the applicant. They further submit that FIR has been lodged against the unknown driver and owner of the said trucks, the applicant is not the owner of the said trucks nor instructed the driver or any other person to transport any material from the Paddy Center. According to the terms and condition 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 persons 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. Learned Counsel further submit that the applicant is in custody since 28.05.2019 and trial is likely to take some time. Therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that according to the statement of manager of Paddy Procurement Center, the said trucks were loaded on the instructions given by the Manager of the transporter, therefore, there is sufficient evidence available on record against the applicant.

5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, contents of the case diary, after perusing of documents filed along with the application and also for the reason that the incident is of the year 2015, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge