

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5223 of 2019

Sheikh Subhan, S/o. Yar Mohammad, Aged About 38 Years, R/o. Village Khairtal, Police Station -Nawagarh, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh.

---- Respondent

M.CR.C. No. 5374 of 2019

Manoj Saha, S/o. Motilal Saha, Aged About 32 Years, R/o. Naveen Chowk NECO, Sakara Police Station Dharsiwa, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh.

---- Respondent

AND

M.CR.C. No. 5639 of 2019

Manoj Nande, S/o. Shri Harishchand Nande, Aged About 35 Years, R/o. Barihali, Police Station -Basna, District Mahasamund Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Dharsiwa, District Raipur Chhattisgarh.

---- Respondent

For Applicant (in M.Cr.C. No.5223/19)	: Mr. Vivek Singhal, Advocate
For Applicant (in M.Cr.C. No.5374/19)	: Mr. Satish Gupta, Advocate
For Applicant (in M.Cr.C. No.5639/19)	: Mr. Anchal Kumar Matre, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

20/09/2019

1. All the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the first bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.373/2019, registered at Police Station – Dharsiva, District – Raipur (C.G.) for the offence punishable under Section 379, 407, 411, 120-B, 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants according to the material present on record. The applicant Sheikh Subhan is the owner of the said truck, which is alleged to be involved in the incident, whereas, the name of the applicant Manoj Saha has not appeared in the investigation and the applicant Manoj Nande has been named only because he is the clerk of the complainant and incharge of weighment. Charge-sheet in this case has been filed after completion of investigation. Therefore, it is prayed that the applicants may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, on behalf of Joravar Engineering Siltara, complainant Vijay Kumar has lodged FIR alleging that the consignment of 29.66 tones of sponge iron was dispatched from Raigarh to Siltara in truck bearing No.C.G.11-AH-6631. The weight of the consignment was found short of 10.5 tones, which was valued at Rs.2.10 lakhs. During the investigation, in the memorandum

statement, the accused persons made admission regarding misappropriation of the sponge iron. Hence, this case.

7. Considered on the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further taking into consideration the fact that charge-sheet in this case has been filed and the applicants have no criminal antecedents, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, all the bail applications filed under Section 439 of the Cr.P.C. are allowed.
9. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge