

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5375 of 2019**

Rajkumar Gupta @ Raju S/o Babulal Gupta Aged About 43 Years R/o Kailash Nagar, Birgaon, P.S.- Urla, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Urla, Arang, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh .

---- Respondent

For the Applicant	:	Shri Yogesh Pandey, Advocate
For the State	:	Shri D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**03/09/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application of the applicant was rejected by this Court on 28/03/2019 in MCRC No. 1745/2019 considering *prima facie* case against him.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.484/2019 registered at Police Station Urla, District Raipur (C.G.) for the offence punishable under Section 407 of IPC (Section 420 of IPC was dropped at the time of framing of charge).
3. Case of the prosecution, in brief is that complainant Ritesh Jain is the Proprietor of SRS Traders. Applicant runs a business of transportation in the name and style of M/s M.P. Chhattisgarh Freight Carrier. On 05/10/2018 complainant had booked 24.840 tonne iron rod to deliver M/s Shiv Shakti Traders. The assignment was handed over to M.P./C.G. Freight Carrier. Applicant had sent the said assignment by truck number M.P.20 H.B.5416. Later on applicant intimated that said truck was out of order and he reloaded the assignment in truck number M.P. 19 H.A. 4273 to deliver the assignment in destination. The assignment was not reached to M/s Shiv Shakti Traders. The cost of said iron rod is Rs. 11,36,840/-. As per the statement of owner of

the vehicle M.P.19 H.A. 4273 the assignment was not reloaded in his truck for transportation.

4. Counsel for the applicant submitted that he is innocent and falsely implicated in the present case. He further submitted that initially case was registered against the applicant for the offences punishable under Section 407 and 420 of IPC. But during the trial the charge framed against him for the offence only punishable under Section 407 of IPC. Applicant is in jail since 18/12/2018, case is triable by Judicial Magistrate First Class, thus he may be released on bail.
5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant is reported in the police case diary.
6. Considering the totality of the case and material available on record against the applicant, considering the worth of the property, this Court finds that aforesaid facts raised by counsel for the applicant are not sufficient to enlarge the applicant on bail in second round of litigation.
7. Consequently, second bail application of the applicant is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge