

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 9947 of 2018

- Umesh Sao S/o Late Lakhan Sao Aged About 43 Years R/o Harshit Vihar Colony, Near Shiv Mandir, Urkura, Police Station- Khamtarai Raipur, Tahsil And District Raipur Chhattisgarh., At Present R/o New Umesh Sao Vihari Dhaba, Police Station Tilda-Newra, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant : Mr. Amit Kumar Sahu, Advocate.

For Non-applicant : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar GuptaOrder On Board**18.01.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No. 428/2018 registered at Police Station Newra, District Raipur (C.G.) for the offence punishable under Sections 3, 7 of Essential Commodities Act.
3. Case of the prosecution, in brief is that on 02.12.2018 at about 4 pm at village Bemta, sub inspector R.K. Sethiya posted at PS Tilda Newra seized 7 drums, containing blue kerosene of Public Distribution System worth Rs. 43,560/- from the applicant's Dhaba styled as New Umesh Sao Bihari Dhaba.
4. Learned counsel for the applicant submits that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, and submits that three other cases have been registered against the applicant under IPC.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond of Rs. 50,000/- to the satisfaction of the concerned Trial Court with the condition that he will not involve in such type of crime in future, he will appear before the Trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he shall be released on bail.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE