

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7982 of 2020

Khilawan Yadav S/o Harakh Ram Yadav Aged About 40 Years Resident Of Village Lohjhar, Police Station Chhura, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Fingeshwar, District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant	:	Shri K.K.Dewangan, Advocate
For State	:	Smt. Fouzia Mirza, Addl. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/01/2021

Heard.

1. The applicant is arrested in connection with Crime No.136/2020 registered in Police Station- Fingeshwar, District- Gariyaband (CG) for alleged commission of offence under Sections 379, 407, 409, 411, 414, 420, 467, 471, 34 IPC and Section 3/7 of the Essential Commodities Act.
2. Case of the prosecution, in brief, is that during the intervening night of 2nd and 3rd August 2020, truck bearing registration No.CG-04-JA-4727 was intercepted at Chhura-Kundel Road in the jurisdiction of Fingeshwar Police Station, wherein, it was found that the truck was carrying 25 quintal of rice and 50 quintal of *chana*, total valued at Rs.3,06,000/-. The truck belongs to the co-accused Saurabh Jain, whereas it was driven by another co-accused Manish Tandon. The applicant has been involved in the offence on the ground that this was being taken for illegal supply to various salesmen including the present applicant.

3. Learned counsel for the applicant would submit that the applicant has not committed any such offence. The vehicle was not being driven by the applicant nor it belongs to the applicant. It is next submitted that the applicant is in jail since 29.9.2020, the investigation is complete and charge sheet has been filed and number of co-accused including the main accused have already been granted bail by this Court vide order dated 8.10.2020 passed in MCRC No.5992 of 2020 and other connected matters, copy of which has been annexed as Annexure A-2. Therefore, the applicant may also be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application by submitting that along with the other co-accused, the applicant is also involved because the diverted essential commodity was meant to be supplied illegally to shop of the present applicant also and he is also equally involved as Salesman.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the investigation is complete, charge sheet has been filed, the applicant is in jail since 29.9.2020 and number of co-accused including the owner and driver of the truck have been granted bail by this Court earlier vide order dated 8.10.2020 passed in MCRC No. 5992 of 2020 (Annexure A-2) and MCRC No.7970 of 2020 and MCRC No.6533 of 2020, I am inclined to allow this application also.
6. The application is accordingly allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge