

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8244 of 2021

Gangaram Chouhan S/o Bhogilaal Chouhan, Aged Around 35 Years, R/o Village-Kotmaar, Tehsil and District Raigarh, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station-Bhupdeopur, District Raigarh, Chhattisgarh.

--- Respondent

For Applicant	:	Mr. Hari Agrawal, Advocate.
For State	:	Mr. Vimlesh Bajpai, GA alongwith Mr. BL Sahu, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

10/12/2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.216/2021, registered at Police Station - Bhupdeopur, District Raigarh, (C.G.), for commission of offence punishable under Sections 406, 420, 467 and 471 of IPC.
2. Case of prosecution is that, on 04.10.2021 complainant lodged a written report mentioning therein that on 18.09.2021 Truck bearing registration No.CG-15-AC-4821 entered into JSW Sponge Iron Power Plant, Naherpali with driver Somnath @ Sourabh for loading Sponge Iron on behalf of Maa Shiva Steel & Alloys LLP, Punjipatra, Raigarh. On 19.09.2021 at about 11:30 hrs, after loading 3260 metric tonnes of Sponge Iron valuing of Rs.11,26,452/-, truck proceeded from premises of JSW Sponge Iron Power Plant to Maa Shiva Steel. Thereafter, driver of truck switched off his Mobile Phone (7876409110). Subsequently, it was informed by driver that due to break down of truck, he could not reach to destination within time and he will reach there on 28.09.2021. On 30.09.2021, Maa Shiva Steel & Alloys LLP, Punjipatra informed JSW Sponge Iron Power Plant that goods have not been delivered yet. Complainant tried to trace out truck and driver, but he could not able to locate. On search of registration number of truck, it came to know that truck is

deployed in SECL, Mines at Chirmiri from 13.08.2021. After verification and investigation, it came to know that truck bearing registration No.CG-15-AC-4821 is not real number of truck in which sponge iron was loaded. Based on appearance, colour, design of truck and secret information, it came to know that it is the truck owned by applicant who committed the offence. Applicant was arrested, his truck having its registration No. CG/15/AC/3378 was also seized.

3. Learned counsel for applicant submits that applicant has not committed any offence, he has been falsely implicated in this case. Basis on which, Police reached to him is only appearance of truck as reflecting in CCTV Footage. There can be so many trucks having same colour, design and its appearance all over the State of Chhattisgarh. Unless and until truck is identified by its registration number, chasis number and engine numbers etc, applicant cannot be implicated in crime. There is no material to show that truck owned by applicant, is involved in commission of crime. Applicant is in jail since 05.10.2021, hence, he may be released on regular bail.
4. Learned State Counsel opposes the submission of learned counsel for the applicant and submits that based on secret information the Police came to know that it is the applicant who after changing original registration number of truck to CG/15/AC/4821, loaded the goods and thereafter sold it in open market. There is prima facie involvement of applicant in commission of crime, therefore, he is not entitled for grant of bail. However, on putting a specific query to learned State Counsel with regard to any other evidence, he submits that Police collected CCTV footage in which colour, design and appearance of truck is similar to the truck owned by applicant.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, material available in case diary, period of pre-trial detention of applicant, case to be triable by Magistrate First Class, without commenting anything on merits of the case, I am inclined to allow this application.

7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-