

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1565 of 2015

- Dilip Sahu s/o. Chandra Kumar Sahu, aged about 323 years, r/o. Sargaon, Police Station Hirri, Tehsil Patharia, Civil District Bilaspur and Revenue District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Hirri, Civil District Bilaspur and Revenue District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.P. Sahu, Advocate
For Respondent/State	:	Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/7/2015

1. This is third bail application for grant of bail. Earlier two bail applications were dismissed as withdrawn with liberty to revive the same after material prosecution witnesses are examined.
2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 12-12-2014 in connection with Crime No. 290 of 2014 registered at Police Station Hirri, District Mungeli (CG), for the offence punishable under Sections 379, 406, 407, 411/34 of IPC.
3. The case of the prosecution, in brief, is that the present applicant was found purchasing some quantity of coal from the drivers of trucks bearing registration No. CG 10-C 9620, CG-12 S-3836 and CG 12 – S-3134 which had to be delivered to a particular destination as directed by the owner.
4. Learned counsel appearing for the applicant would submit that two witnesses namely Netram (PW/1) and Vijay Kumar (PW/2) have already been examined and they have not supported the case of prosecution and turned hostile. He would further submit that nothing has been seized from

the possession of the applicant, charge-sheet has been filed, the applicant is in jail since 12-12-2014 and no useful purpose would be served by detaining him in jail, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard the counsel appearing for the parties and perused the case diary.
7. Taking into consideration all the facts and circumstances of the case, nature and gravity of the offence, role of the present applicant, charge-sheet has been filed, pre-trial detention of the applicant and nothing has been seized from the possession of the applicant, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be released on bail.
8. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge