

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3193 of 2015

1. Rehan @ Vickky @ Ashwin Gedam, S/o Ashok Gedam, aged about 19 years, R/o Bhadewadi, Near Pardidutta Kupalan, Kalmana, Post Office & Police Station Kalmana, District Nagpur (Maharashtra)
2. Rahul Raju Nimje (wrongly mentioned as Minje in the rejection order of the cause title), S/o Raju Nimje, aged about 19 years, R/o Indira Nagar, Near Beenaki Lay Out (wrongly mentioned as Belaout in the rejection order of the cause title), Nagpur, Post Office & Police Station Yashoda Nagar, Nagpur, District Nagpur (Maharashtra)
3. Anil Jagdish Bhaisare, S/o Jagdish Bhaisare, aged about 19 years, R/o Yadav Nagar (wrongly mentioned as Madan Nagar in the rejection order of the cause title), Near Prabuddha Nagar, Beside of the Canal (wrongly mentioned as Nale ke in the rejection order of the cause title), Nagpur, Post Office & Police Station Yashoda Nagar, Nagpur, District Nagpur (Maharashtra)

---- Applicants

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Bhatapara Gramin, District Balodabazar-Bhatapara (C.G.)

---- Non-applicant

For Applicants:	Mr. Shivendu Pandya, Advocate.
For Non-applicant:	Mr. Lav Kumar Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board08/07/2015

1. Heard.
2. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.39/2015 (Criminal Case No.S-185/2015 pending in the Court of Judicial Magistrate First Class, Bhatapara), registered at Police Station Bhatapara Gramin, Distt. Balodabazar-Bhatapara for the offence punishable under Section 407 read with Section 34 of the IPC.
3. Case of the prosecution, in brief, is that applicant No.1 Rehan – owner / driver of the vehicle, got loaded 120 bags of pohla for delivering the same to

Nagpur, but in between, illegally sold and misappropriated 86 bags of pocha and thereby committed the offence.

4. Learned counsel for the applicants submits that the applicants have not committed any offence and have been falsely implicated in the case, they are in jail since 3-3-2015.
5. On the other hand, learned State counsel would oppose the bail application and would submit that applicant No.1 is driver and owner of the vehicle, applicant No.2 is friend of applicant No.1, and applicant No.3 is conductor of the said vehicle.
6. Taking into consideration the nature and gravity of offence and the role of applicant No.1, the bail application so far as it relates to applicant No.1 Rehan @ Vickky @ Ashwin Gedam is rejected. Considering the role attributed to applicants No.2 & 3, their pre-trial detention and the fact that charge-sheet has already been filed, I am of the view that it is a fit case to enlarge applicants No.2 & 3 on regular bail. Accordingly, the bail application so far as it relates to applicants No.2 & 3, is allowed.
7. It is, therefore, directed that applicants No.2 & 3 namely Rahul Raju Nimje & Anil Jagdish Bhaisare, respectively, be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge