

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3592 of 2015**

Bhushan Das Vaishnav, S/o Sarju Das Vaishnav, aged about 32 years, Resident of Belgadi Nala, Balco, P.S. Balco, Tahsil and District – Korba (C.G.)

.... Applicant

Versus

State Of Chhattisgarh through: Station House Officer, Police Station Urga, District Korba (C.G.)

---- Respondent

For Applicant:	Mr. Sandeep Dubey, Advocate.
For Non-applicant/State:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/08/2015**

Heard.

(1) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.10/2015 (Isthgasa) Crime No.142/15 registered at Police Station Urga, District Korba, for the offences punishable under Section 41(1-4) of the Code of Criminal Procedure and Section 379 of the Indian Penal Code.

(2) Case of the prosecution is that applicant was found transporting six tonne stolen coal amounting to Rs.36,000/- on 14.05.2015 and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has falsely been implicated in the offence in question as the applicant has not committed any offence. He further submits that the applicant was transporting the coal in question as instructed by his owner and he is in jail since 14.05.2015; charge sheet has already been filed; no useful purpose would be served in detaining him in jail and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that applicant could not produce any document showing his lawful possession over the coal in question.

(5) Taking into consideration the facts & circumstances of the case; further considering the defence taken by the applicant; his pre-trial detention and the charge sheet has already been filed; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to 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

