

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3593 of 2015**

- Sitaram Nishad, S/o Shri Pardeshi Kenwat, aged about 27 years, Occupation: Transport, R/o Village Behrachua, Thana: Kartala, Distt: Korba (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: SHO Police Chowki Jobi, P.S.: Kharsia, District: Raigarh (C.G.)

---- Non-applicant

For Applicant:	Shri Sunil Otwani, Advocate.
For Respondent/State:	Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/08/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.253/2015 registered at Police Station – Police Chowki Jobi, P.S. Kharsia, Raigarh (C.G.) for the offences punishable under Sections 454 & 380/34 of the Indian Penal Code.

(2) Case of the prosecution is that present applicant is alleged to have stolen and found transporting 50 bags paddy reserved for seed purpose.

(3) Learned counsel for the applicant would submit that applicant has falsely been implicated in the offence in question as he has not committed any offence. He would further submit that applicant is only transporting 50 bags paddy at the instructions of Pawan Kumar Gabel,

who has been instructed by Narayan Babel, Manager of the Society; and the alleged paddy in question has been given to Manager – Narayan Gabel on Supurdnama. He further submits that similarly situated co-accused – Pawan Kumar Gabel has already been granted bail by this Court on 20.07.2015 in M.Cr.C. No.3343/2015 and, as such, the applicant is in jail since 31.5.2015; and the challan has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State would oppose the bail application.

(5) I have heard counsel appearing for the parties and perused the case diary.

(6) Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of the offence; and considering the facts that similarly situated co-accused Pawan Kuma Gabel has already been granted bail by this Court in M.Cr.C. No.3343/20155 and the applicant is in jail since 31.05.2015; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant- Sitaram Nishad 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

D/-

