

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3827 OF 2015**

Santosh Lahre S/o Tilakram Lahre, aged about 38 years, R/o Kirna, Chowki Sargaon, Police Station Pathariya, District Mungeli (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Pathariya, (Outpost Sargaon), District: Mungeli (C.G.)

---Non-applicant

For Applicant	:	Mr. Devesh Chandra Verma, Advocate
For Non-applicant	:	Ms. Madhu Nisha Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Ishtgasa No. 5/2015, registered at Police Station Pathariya, District Mungeli (C.G.), for the offence punishable under Section 41(1+4) of Cr.P.C. and Section 379 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, applicant was found in possession of 40 tone coal in his truck bearing registration No. C.G. 04-HC/9251 on 04/07/2015 and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that truck and coal were belonging to M/s. Sheetla Enterprises and that coal was delivered to M/s. Goodwill Alliance Mining Industries, Raipur and during the process of loading and dispatching,

raid was conducted as document was available in which the said coal was to be delivered to M/s. Goodwill Alliance Mining Industries, Raipur by M/s. Sheetla Enterprises and he is only driver of the said truck. He would lastly submit that charge sheet has been filed and applicant is in jail since 06/07/2015 therefore, he may be released on bail.

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

5. I have heard learned 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 offence; defence of the applicant; pretrial detention of the applicant; charge sheet has already been filed and document brought by the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE