

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MISC. CRIMINAL CASE NO. 4123 OF 2015**

Surendra Singh @ Chhinda, son of Shri Guruvachan Singh, aged about 42 years, resident of Darri Road, Police Station City Kotwali, Korba (CG) Civil & Revenue District Korba.

---Applicant

Versus

State of Chhattisgarh, through the Police Station Hiri (wrongly mentioned as "Mungeli" in the bail rejection order), District Mungeli.

---Non-applicant

For Applicant	:	Mr. Vivek Chopda, Advocate
For Non-applicant	:	Mr. Siddharth Rathore, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/08/2015**

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 Crime No. 286/14, registered at Police Station Hirri, Dist. Mungeli, for the offence punishable under Sections 420, 406, 407, 379, 411 & 120B/34 of I.P.C.

2. Case of the prosecution, in brief, is that the co-accused while driving the Tractor bearing registration No. CG-04 JD/3044 took delivery of 27 tonnes of coal from SECL Rajgamar area for transporting the coal to M/s SKS Ispat & Power Ltd. Siltara, Raipur, but unloaded the said coal to Guru Kripa Coal Depot at Sargaon, which is owned by present applicant and thereby committed the aforesaid offence.

3. Learned counsel for the applicant submits that case of the present

applicant is identical with the co-accused namely Rajesh Kumar Minocha, to whom the bail was granted by this Court on 12/02/2015 in M.Cr.C. No.503/2015 and, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State would submit that present case is similar to the case of the accused Rajesh Kumar Minocha, who have already been granted bail by this Court in M.Cr.C. No. 503/2015 on 12/02/2015.

5. Considering the totality of the facts and circumstances of the case; further considering the role of the applicant in offence in question and also considering the fact that the applicant is in detention since 28/07/2015; and the fact that similarly situated co-accused namely Rajesh Kumar Minocha has already been granted regular bail by this Court in M.Cr.C. No. 503/2015 on 12/02/2015, I consider it a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, bail application filed under Section 439 of the Cr.P.C. is allowed. 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 concerned Court for his appearance as and when directed, subject to following conditions:

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required.
- (ii) that the accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial;

7. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari