

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7080 of 2015

Deepak Agrawal S/o Premchand Agrawal Aged About 40 Years R/o
Baikunthpur, Kotraroad, P.S. Kotwali Raigarh, Tahsil & District - Raigarh,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through S. H. O. Police Station Bhupdevpur,
District - Raigarh Chhattisgarh

---- Respondent

For applicant - Shri Avinash K. Mishra, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/12/2015

1. The applicant has preferred this second bail application for grant of bail as he is arrested in connection with Crime No. 173/2015 registered in Police Station Bhupdevpur, District-Raigarh (C.G.) for offence punishable under section 407, 379, 411, 414, 120 B of Indian Penal Code, R/w 4, 21 of Mining Act.
2. The earlier bail application was dismissed by a detailed order on 16/11/2015 vide M.Cr.C. No.6254/2015. Again this second bail application has been preferred on the ground that charge sheet has been filed. Reading of the earlier order would go to show that no liberty was reserved in favour of the applicant to repeat the bail application after filing of the charge sheet. The bail application was dismissed considering the nature of allegation and the way offence has been committed. Incidentally another crime number of the same nature bearing Crime No.172/2015 under similar sections is registered against the applicant.
3. As per the prosecution case on information received that applicant was indulged in mixing up coal dust and the soil with the coal, the depot of the applicant was raided wherein truck bearing No. C.G. 04 JB/6702 was

seized and it was found that applicant was mixing up the coal with the soil and the same was replaced with the original coal.

4. Learned counsel for the applicant submits that charge sheet in this case has been filed and applicant is in jail since 25/09/2015, therefore applicant may be released on bail.

5. Per contra, learned State counsel opposes the prayer for grant of bail.

6. I have perused the case diary, charge sheet and the statement of Uttara Kumar and also Durgesh Kumar who were JCB operators, at the relevant time were unloading the coal from the truck. Taking into account such statement and the way the offence is committed, prima facie it appears that reasonable grounds exists that accused has committed the offence and perusal of the circumstances would go to show that if applicant is released on bail there is all likelihood of the offence may be repeated as similar nature of crime is registered under different crime number. The reasonable apprehension of the witnesses being tampered with considering the position of this applicant can not be ruled out. Consequently, within a short span of time from the earlier dismissal of the bail application on 16/11/2015, this court is not inclined to appreciate this second bail application and release the applicant on bail as no change of circumstances exists as of now.

7. Accordingly, the second bail application is dismissed. The applicant shall be at liberty to repeat the bail application after material witnesses are examined.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

