

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6293 of 2015

1. Ravi Kumar, S/o. Ramroop Sahani (wrongly mentioned as Ramswaroop Sahani) in order sheet, aged around 29 years, R/o. Vilol, Balaha, Post-Ghataro, Thana – Lalgah, District - Vaisali, Bihar, at present, R/o. Village – Teram, Thana & Tahsil – Gharghoda, Civil & Revenue, District – Raigarh (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Thana – Kharsia, District Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

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.396/2015, registered at Police Station – Kharsia, District – Raigarh (C.G.) for the offence punishable under Section 407, 467, 468 & 471 of I.P.C.
2. Case of the prosecution, in brief, is that the applicant alongwith other co-accused namely Kunkun Sahani and Janak Ram being the driver and supervisor of the truck committed theft of coal of 25 MT which was to be unloaded at Robert siding and instead of that it was unloaded on the way. Subsequently, the report is being made.
3. Learned counsel for the applicant would submit that no offence is committed by the applicant and he only being the brother of the Kunkun Sahani, the driver of the alleged truck, he has been inculpated

in the crime. He further submits that the charge sheet has been filed and seizure has also been made. Therefore, he prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the charge sheet has been filed and the seizure is made, considering the pre-trial detention of the applicant, offence is triable by JMFC, this Court is of the opinion that present is a 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 his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge