

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6304 of 2015

Azad Singh, S/o. Narayan Singh, Aged About 32 Years, R/o. Village Chhipon, Police Station- Kachnar, Distt. Ashok Nagar, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station- Amanaka, Raipur, Distt. Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.R.Tiwari, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

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 for grant of regular bail to the applicant who has been arrested in connection with Crime No.126/2015 registered at Police Station- Amanaka, Raipur, District Raipur (C.G.) for the offence punishable under Sections 407, 420/34 of Indian Penal Code.
2. As per the prosecution case, in brief, the iron consignment which was sent from Super Ispat Raipur Pvt. Ltd and Daga Steel Agency, Raipur to Heeralal Motilal & Company which were loaded in Truck bearing No.H.R.-38-M-9906 did not reach and instead it was usurpted. Therefore, the report was lodged against the Proprietor of Surbhi Roadway and during investigation the Truck was seized at Gwalior wherein the applicant alongwith other co-accused were trying to sell the iron consignment to other persons.
3. Learned counsel for the applicant submits that the charge sheet in this case has been filed and except the fact that the applicant was

found alongwith the other co-accused no evidence is available against the applicant. He further submits that merely the applicant was found alongwith the other co-accused at Gwalior cannot be stated that he was involved in the crime as neither he was entrusted nor handed over the iron consignment; therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the role played by this applicant and considering the fact that when the other co-accused were apprehended this applicant was accompanied with them and further taking into account the period of detention as the applicant is in jail since 15.07.2015 and the charge sheet has been filed, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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