

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5026 OF 2015**

Gufran Khan aged about 24 years S/o Shri Nazir Khan R/o near Khandoba
Mandir Ratanpur Police Station Ratanpur, District Bilaspur (C.G.)

---Applicant**Versus**

State of Chhattisgarh through Station House Officer Police Station Hirri,
District Bilaspur (C.G.)

---Non-applicant

For Applicant	:	Mr. Sudhir Bajpai, Advocate
For Non-applicant	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/09/2015**

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 Istgasa (Crime) No. 03/2015, registered at Police Station Hirri District Bilaspur (C.G.), for the offence punishable under Section 41(1-4) of Cr.P.C. read with Section 379 of Indian Penal Code.

2. Case of the prosecution, in brief, is that applicant was found in possession of truck loaded with 19 tones of coal as well as 5 tones of coal lying outside the truck in the coal depot and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that only on suspicion, applicant has been arrested and no offence under Section 379 of

the IPC has been registered against him, whereas owner of the said coal is M/s Nikki Sales Corporation who is registered coal trader and on the date of incident, the vehicle in question was ready for transporting the coal to Khattumal Dhabadiaya, Raipur, as such, he has been falsely implicated. He would further submit that till this date no regular criminal case has been registered against the present applicant under Section 379 of the IPC. He would lastly submit that no useful purpose would be served by keeping him in jail and applicant is in jail since 27/08/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that coal in question is said to have stolen coal and investigation is going on.

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; role of the present applicant in offence in question; pretrial detention of the applicant; and also considering the fact that till this date no criminal case has been registered against the present applicant for offence under Section 379 of the IPC, 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

Tiwari