

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.828 of 2016

Ramkumar Sahu, S/o Maheshram Sahu, aged about 28 years,
Occupation Labour, R/o Village Barpali, Police Station Pusaur,
District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
Bhupdevpur, District Raigarh (C.G.)

---- Non-applicant

For Applicant:	Mr. Manish Upadhyay, Advocate.
For Non-applicant:	Mr. Dheeraj Kumar Wankhede, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

01/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.172/2015, registered at Police Station Bhupdevpur, Distt. Raigarh for the offence punishable under Sections 407, 379, 120B of the IPC; Sections 4 (1) and 21 of the Mines and Minerals (Development and Regulation) Act, 1957 (for short 'the MMDR Act').
2. Case of the prosecution, in brief, is that from Gevra project of M/s. Jindal Power Limited, the truck drivers stolen coal and the present applicant assisted in concealment of the stolen property, and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the case and he is in custody since 25-9-2015. He further submits that offence punishable under Sections 411, 414 of the IPC; Sections 4

(1) and 21 of the MMDR Act has been registered against the applicant and the punishment prescribed is three years. He also submits that co-accused have been enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, taking into consideration the nature and gravity of offence, role of the present applicant, punishment prescribed for the above-stated offences and that co-accused have been released on bail, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge