

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 948 of 2016**

Bundram Rathiya, son of Baratram Rathiya, Caste-Kanwar,
aged about 27 years, resident of Village-Palgadha, Police
Station & Tahsil – Kharsia, 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. K.K. Singh, Advocate.
For Respondent/State: Mr. Dhiraj Kumar Wankhede, GA

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/03/2016**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. Istagasa No.173/2015 registered at Police Station Bhupdevpur, District Raigarh for the offences punishable under Sections 407,379,414,411,120B/34 of Indian Penal Code and Section 4(1) & (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, as thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has not

committed any offence, he has been falsely implicated in the offence in question and he is in custody since 25.09.2015. He further submits that offence punishable under Sections 411, 414 of the IPC; Section 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 has been enlarged on bail.

(4) On the other hand, learned State Counsel opposes the bail applicant.

(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 the offence, role of the present applicant, punishment prescribed for the above-stated offences and that co-accused have been released on bail; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – **Bundram Rathiya** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

