

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.981 of 2016**

Ramavtar S/o. Shri Sudarshan Rajbhar, aged about 32 years, Occupation-Truck Driver, R/o. Bilua, P.S. Haldharpur, Tahsil and District Mau (U.P.), at present R/o. Lachanpur, Ward No.13, P.S. Champa, Civil and Revenue District –Janjgir Champa (CG)

---Applicant**Versus**

State of C.G. Through – Station House Officer of the P.S. Bhupdevpur, District-Raigarh (CG)

---Non-applicant

For Applicant	:	Mr. Abhishek Saraf, Advocate
For Non-applicant	:	Mr. O.P.Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/03/2016**

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.172/2015, registered at Police Station-Bhupdevpur, District-Raigarh (CG), for the offence punishable under Sections 407, 379, 120B of the IPC, 4 (1) (21) of the Mines and Minerals (Regulations and Development) Act, 1957.

2. Case of the prosecution, in brief, is that a truck bearing Registration No.CG04-JB-1323 loaded with coal at Gewra Project to be delivered at Indramani Minerals, Raigarh, but did not deliver the said coal to the required destination and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been

implicated in crime in question. He would further submit that co-accused Rajesh Mishra has been released on bail by this Court vide order dated 9.2.2016 in M.Cr.C.No.346 of 2016 and case of the present applicant is similar to that of the co-accused, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and the fact that bail was granted to co-accused Rajesh Mishra in M.Cr.C.No.346 of 2016, 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 the 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-