

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1919 of 2016

Krishna Kumar Kosle, S/o. Badri Prasad Kosle, Aged About 35 Years,
R/o. Village- Bhatapara, Police Station- Bhatapara (Rural), District
(Revenue & Civil) - Balodabazar – Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station – Bilaigarh, (wrongly
mentioned as Sarsiwan in the order sheet), District (Revenue & Civil)
Balodabazar – Bhatapara, Chhattisgarh

---- Respondent

For Applicant : Mr. Anand Kesharwani, Advocate

For Respondent : Mr. Neeraj Kumar Sharma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27.06.2016

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.151/2015 registered at Police Station- Bilaigarh (wrongly mentioned as Sarsiwan in order-sheet), District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 379, 407, 420, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 05.03.2015, the applicant being the Driver of the vehicle bearing No.CG 04 JC 2447 collected 220 Quintals of Paddy from Tundari and instead taking it to Kurudbhata, Lakhouli, sold it along-with Ravishankar to Garg Rice Mill by changing the registration number of the vehicle; therefore, the offence has been committed.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and he has not committed any offence, actually the offence has been committed by Ravishankar, the other accused; therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that in the similar nature of offence, which was registered under Crime No.85/2015, the applicant represented himself as Raju being the driver of Truck was involved whereby 220 Quintals of Paddy was sold in connivance with Ravishankar and in the like nature this offence has been committed, therefore, he may not be released on bail.
5. Perused the case diary and the documents. Considering the fact that the applicant was involved in the similar nature of offence and within a short span of time in similar fashion repeated the offence. Considering the background and facts of the case, at this stage, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge