

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3726 of 2016

- Banshilal S/o Shri Kashi Ram Aged About 18 Years R/o Village Bharda P.S. Pratppur Distt. Surajpur Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through P.S. Rajpur, Distt. Balrampur Chhattisgarh. --- **Respondent**

For the applicant	:	Miss Soniya Kuldeep, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.50/2016 registered at P.S. Rajpur, Distt. Balrampur (C.G) for the offence punishable under Section 407/34 IPC.
2. As per the prosecution case, the incident happened between 22.1.2016 and 13.02.2016. The applicant was cleaner of the vehicle. It is alleged that the applicant and other co-accused who were drivers of different trucks loaded the coal from Mahan-2 mines and the coal was to reach Bhatgaon siding coal washery but instead the material was unloaded in Khokania forest, thereby the offence is committed.
3. Learned counsel for the applicant submits that the applicant was a cleaner and he is not involved in diverting the vehicles or selling the coal to any one. She further submits that the drivers of the vehicles namely Nansu, Shivkumar and Rohit Singh were granted bail by this Court in M.Cr.C.No.3196 on 30.06.2016 and the case of the present

applicant more better than that of those persons who have been granted bail, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he does not dispute the fact that the drivers of the vehicle have been granted bail by this Court.
5. Perused the case diary and other documents.
6. Taking into the nature of offence, the degree of allegations and the role played by the applicant as also the fact that drivers of the vehicles have been enlarged on bail by this Court in M.Cr.C.No.3196/2016, I am inclined to release the present applicant also on bail.
7. Accordingly the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE