

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4567 of 2016

1. Akhilesh Singh S/O Shankar Singh Aged About 36 Years Occupation Business, R/O Village Bilaspur Chowk, P.S. & Tahsil Ambikapur, Distt. Sarguja Chhattisgarh
2. Singh Sai S/O Heeradhan Aged About 40 Years Caste Rajwar, R/O Village Puhputra, P.S. & Tahsil Lakhanpur, Distt. Sarguja Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Lakhanpur District Sarguja Chhattisgarh

---- Respondent

For Applicants : Mr. Jitendra Shrivastava, Advocate.

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16-08-2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 16-5-2016 in connection with Crime No. 100 of 2016, registered at Police Station Lakhanpur, District Sarguja (CG) for the offence punishable under Section 379/34 of the IPC.
2. Case of the prosecution, in brief, is that on 10-5-2016 while coal was being loaded in the vehicle, at that time, that area was raided and from the possession of the applicants 15 tonnes of coal was recovered and the applicants could not produce the valid documents and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, there is no

report made from any of the person that where coal has been theft and it is only on this allegation, the applicants have been inculpated. He would further submit that the charge-sheet has been filed in the case, the applicants are in jail since 16-5-2016 and no further evidence is required, therefore, they may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and other documents.
6. Perusal of the charge-sheet would show that no report has been made about theft of coal.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicants and considering the charge-sheet and also the fact that the charge-sheet has been filed and the applicants are in jail since 16-5-2016, I am inclined to release the applicants on bail.
8. Accordingly, the bail application filed by the applicants under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju