

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7323 of 2015

- Hari Shanker Chandra S/o Amar Singh Chandra Aged About 24 Years Driver R/o Village Bensula, Police Station Bamhnin-Deeh, Tahsil Champa Distt. Janjgir - Champa Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through : - Police Station Bhupdevpur Raigarh, Distt. Raigarh Chhattisgarh

--- Respondent

For the applicant	:	Mr. Vijay deshमुख, Advocate
For the Respondent	:	Mr. Neeraj Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 172 of 2015 registered at P.S. Bhupdevpur, Raigarh, District Raigarh (C.G) for the offence punishable under Section 407, 411, 379/34 IPC.
2. The prosecution case in brief is that a Truck bearing Regn.No.C.G.12-C/2558 which was loaded with coal was going from Gewra Project to Kesaw Sponj Irons, Raigarh, but on the way it was diverted to the Depot of co-accused Deepak Agrawal wherein the coal was unloaded and dust of soil was loaded in place of coal. It is alleged that at the relevant time, applicant was driver of the Truck. The Police having raided the spot caught hold of Deepak Agrawal and other co-accused.
3. Learned counsel for the applicant submits that the applicant is only working as driver of the vehicle and the entire work

was being done at the instance of Deepak Agrawal and he being the driver has no idea as to what act was being done. He further submits that similarly placed co-accused Kamal Singh has been enlarged on bail by this Court in M.Cr.C.No. 7417 of 2015 on 05.01.2016. It is further submitted that the charge sheet in this case has been filed and the applicant is in jail since 25.09.2015, therefore, he prays for releasing the applicant on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Perused the case diary and the evidence collected by the prosecution. It appears that the main allegations are attributed to Deepak Agrawal.
6. Considering the fact that the applicant was merely driver of the concerned vehicle and looking to the role played by him as also the fact that charge sheet in this case has been filed and he is in jail since 25.09.22015 and no other offence of similar nature has been registered against the applicant, I am inclined to release him on bail.
7. Accordingly, this 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.
8. C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**