

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7564 2015

Omprakash Sharma, S/o. Malikram Sharma, Aged About 58 Years, R/o. Kotra Road Raigarh, Civil & Revenue Distt. Raigarh, District - Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: P.S. Bhupdevpur, Distt. Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/01/2016

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.172/2015, registered at Police Station–Bhupdevpur, District Raigarh (C.G.) for the offence punishable under Section 407, 379, 411/34 of Indian Penal Code and Section 4 & 21 of Mines & Minerals Act.
2. Case of the prosecution, in brief, is that the Trucks bearing No. C.G.04 G/9174, C.G. 04 J.B./1323 and C.G. 12 C/2558 was loaded with Coal had gone from Gewara Project to Kesaw Spanj Iron, Raigarh, but on the way it was diverted to the Depot of Deepak Agrawal wherein the Coal was unloaded instead dust of soil was loaded. The police having raided the spot and caught hold of Deepak Agrawal and other co-accused.
3. Learned counsel for the applicant would submit that the applicant was only working as labour of Deepak Agrawal and the entire work was being done by Deepak Agrawal and the applicant being the

labour, he was not in know of the fact as to the nature of coal and its identity, therefore, considering the role played by this applicant, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail; however, he do not dispute the fact that as per the statement of Durgesh & Uttara Kumar, the main allegations are attributed to Deepak Agrawal and the present applicant was labour who was instrumental to do such job.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the case diary and the evidence collected by the prosecution, it appears that the main allegations are attributed to Deepak Agrawal, therefore, considering the role played by this applicant as he was working as labour to unload and further considering the fact that the charge sheet has been filed and no other offence are registered against the applicant of similar nature, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge