

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7409 of 2016

- Harinarayan Gond S/o Shri Mahto Gond (Harinarayan Korram S/o Mahettar Singh Korram Mentioned In Charge Sheet) S/o Aged About 23 Years, R/o Village Deepka, Tahsil & District Korba, Chhattisgarh.
--- **Petitioner**

Versus

- State of Chhattisgarh through Collector / District Magistrate, Korba, District Korba, Chhattisgarh.
--- **Respondent**

For the applicant	:	Mr. Sanjay Patel, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24.11.2016

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. 51/2016 registered at P.S. Pali, Distt. Korba (C.G) for the offence punishable under Sections 420, 120-B of IPC.
2. As per the prosecution case, on 18.12.2015 the applicant was driving the offending Truck No. C.G. 04-JC/0917 which carries 25 tons of coal and the said truck was intercepted by the mining department and thereafter on investigation it was found that the applicant was carrying the coal in forged truck regn. No.04 JC 0917 but the actual number of the vehicle is C.G.12-S/0667, thereby the offence is committed.
3. Learned counsel for the applicant would submit that the mining department and the transport department have verified the fact and as directed by the mining department, the applicant has paid the penalty and

thereafter the offence was compounded. He further submits that at present no further investigation is necessary; the charge sheet in this case has been filed and the applicant is in jail since 28.07.2017, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that the Mining and Transport Department have verified the matter and certain penalty was also imposed which was paid by the applicant.
5. Perused the case diary and the documents.
6. Considering the degree of allegations levelled against the applicant and the facts and circumstances of the case especially the fact that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 28.07.2016; I am inclined to allow this bail application.
7. Considering the I am inclined to release the applicant on regular bail.
8. 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