

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1987 of 2016

Bundram Rathiya son of Baratram Rathiya caste Kanwar
aged about 27 years resident of village Palgadha Police
Station and Tahsil Kharsia District Raigarh (C.G.)

---Applicant

Versus

State of Chhattisgarh through Station House Officer
Police Station Bhupdevpur District Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. K.K. Singh, Advocate
For Non-applicant	:	Mr. O.P. Sahu, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/04/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 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 Sections 407, 379, 120(B) of IPC and Section 4(1) & (21) of Mines Mineral

(Development and Regulation) Act, 1957 (for short 'the MMDR Act').

2. Case of the prosecution, in brief, is that, from Gevra Project of M/s. Jindal Power Limited, the Truck drivers stolen coal and the present applicant assisted in concealment of the stolen property and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the offence in question and he is in custody since 25/09/2015. He would further submit that offence punishable under Section 4(1) & (21) of the MMDR Act has been registered against the applicant and the punishment prescribed is three years, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question; punishment prescribed for the above-stated offence and that co-accused have been released on bail, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular 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 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/-
(Sanjay K. Agrawal)
JUDGE