

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 346 OF 2016**

Rajesh Mishra S/o Ramsujaan Mishra, Aged About 35 Years, R/o Gujraed, Police Station Rampur, Revenue & Civil-District Sidhi (M.P.)

Presently residing at Kosmanda, Kabir Chowk Korba, Revenue & Civil District Raigarh (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Bhupdevpur, Revenue & Civil District Raigarh (C.G.)

---Non-applicant

For Applicant	:	Mr. Surfaraj Khan, Advocate
For Non-applicant	:	Mr. Dilmanrati Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/02/2016**

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, 411, 379, 34 of the I.P.C. & Section 4, 21 of the Mines & Minerals (Development & Regulation) Act.

2. Case of the prosecution, in brief, is that a Truck bearing Registration No. CG04-JB-1323 loaded with coal at Gewra Project to be delivered at Indramani Minerals, Raigarh but he did not deliver the said coal to the required destination 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 crime in question. He would further submit that applicant is only working as driver and the entire work was being done by Deepak Agrawal. He would further submit that charge sheet has been filed and applicant is in jail since 25/09/2015. He would lastly submit that similarly situated co-accused Hari Shanker Chandra was released on regular bail by Co-ordinate Bench of this Court on 18/01/2016 in M.Cr.C. No. 7323/2015, therefore, applicant deserves to be released on regular bail on the ground of parity.

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; charge sheet has already been filed; pretrial detention of the applicant and the fact that similarly situated co-accused has already been enlarged on regular 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.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE