

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7417 of 2015

Kamal Singh S/o Budhwar Singh Aged About 32 Years R/o
Bendarkona, Thana - Balko, Revenue / Civil Distt. Korba
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Thana Bhupdevpur, Distt. Raigarh
Chhattisgarh

---- Respondent

For applicant - Shri Samir Singh, Advocate.
For Respondent/State – Shri Sameer Behar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/01/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 173/2015 registered in Police Station Bhupdevpur, Distt. Raigarh (C.G.) for offence punishable under section 407, 379, 411, 414, 120B/34 of IPC and 4, 21 of Mining Act (u/s 414 and 120 B is mentioned in charge sheet).
2. Case of the prosecution, in brief, is that one Truck bearing No.C.G.04 J.B./6702 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 submits that applicant was only working as driver of the vehicle and entire work being done at the instance of Deepak Agrawal and he being driver has no idea as to what act was being done. He further submits that similarly placed co-accused

Omprakash Sharma has been released on bail in M.Cr.C. No.6282/2015 on 11/12/2015, therefore, the applicant may be released on bail.

4. Learned State counsel do not dispute the fact that similarly placed co-accused Omprakash Sharma has been released on bail in M.Cr.C. No.6282/2015.

5. Perused the case diary and the evidence collected by the prosecution, it appears that main allegation are attributed to Deepak Agrawal. Considering the seizure made from this applicant, he was only driver of the concerned vehicle, taking into account role played by this applicant, charge sheet having been filed and no other offence has been registered against this applicant in similar nature, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE