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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7506 of 2015

Tikeshwar Rathiya S/o. Uttar Kumar, Aged About 32 Years, R/o. of village Hinjhar, Tahsil and Police Station Tamnar, District Raigarh, Civil and Revenue District Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station- Tamnar, District Raigarh (C.G.)

---- Respondent

For Applicant	:-	Mr. M.K. Sinha, Advocate
For Respondent/ State	:-	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

12/01/2016

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/ Ishtgasa No. 03/2015 registered at Police Station- Tamnar, District Raigarh (C.G.) for the offence punishable under Sections 41(1-4) of Cr.P.C. and 379 of the IPC and 4(1)(21) of Mining Act.
2. Case of the prosecution, in brief, is that the present applicant was found in transporting two ton coal unauthorisedly and thereby committed the aforesaid offence.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as he has not committed any offence. He further submits that the applicant is in jail since 28.11.2015 and the charge sheet is yet to be filed and therefore, the applicant may be enlarged on bail. He further submits that the

that the other co-accused persons namely Shankarlal Yadav has already been granted bail by the Coordinate bench of this High Court in M.Cr.C. No. 2184 of 2015 on 13.05.2015 and the present applicant may also be entitled for bail on the ground of parity.

4. On the other hand, learned counsel for the State, after verifying the records, would submit that the present case is similar to that of accused person, who have already been granted bail by the coordinate bench of this High Court.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the applicant is in jail since 28.11.2015 and also the fact that the similarly placed co-accused persons have already been enlarged on bail by the Coordinate bench of this High Court in M.Cr.C. No. 2184 of 2015 on 13.05.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)

Judge