

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4646 of 2016

- Bajilal S/O Bechu Aged About 28 Years Caste Panika, Occupation Agriculture, R/O Village Devnagar, P.S. And Tahsil And District Surajpur Chhattisgarh, Civil And Rev. Distt. Surajpur Chhattisgarh.

---- Applicant (In jail)

Versus

- State Of Chhattisgarh Through Police Station Ramanujnagar, District Surajpur Chhattisgarh.

---- Non-applicant

MCRC No. 4690 of 2016

- Bajilal S/O Bechu Ram Aged About 28 Years Caste Panika, Occupation Agriculture, R/O Village Devnagar, P.S. & Tahsil & District Surajpur, Chhattisgarh. Civil & Revenue District Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ramanujnagar, District Surajpur, Chhattisgarh.

AND

MCRC No. 4691 of 2016

- Bajilal S/O Bechu Ram Aged About 28 Years Caste Panika, Occupation Agriculture, R/O Village Devnagar, P.S. & Tahsil & District Surajpur, Chhattisgarh. Civil & Revenue District Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ramanujnagar, District Surajpur, Chhattisgarh.

For Applicant : Shri AK Prasad, Advocate

For Respondent/State : Shri Anupam Dubey, Dy GA

Hon'ble Shri Justice Goutam Bhaduri
Order on Board

01.09.2016

- 1) Since the above three bail applications are similar in nature, they are heard analogously and are being disposed of by this common order.
- 2) These three applications filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.53/2016 registered at Police Station Ramanujnagar, district Surajpur for the offences punishable under Sections 407, 420, 468, 120B and 109 of the IPC; Crime No.54/2016 registered at Police Station Ramanujnagar, district Surajpur for the offences punishable under Sections 407, 420, 468, 471, 120-B and 109 read with Section 34 of the IPC & Crime No.54/2016 registered at Police Station Ramanujnagar, district Surajpur for the offences punishable under Sections 407, 420, 468, 471, 120-B and 109 read with Section 34 of the IPC respectively.
- 3) As per the prosecution case, each 400 bags of paddy each collected from Umapur, Sonpur and Patrapali on 15.01.2016, 19.01.2016 and 04.02.1016 respectively, to be delivered at Surajpur. It is alleged that the present applicant, who is a driver, conspired with other co-accused and sold the paddy to one Ramcharan, instead of delivering the same at Surajpur. It is also alleged that the applicant along with other co-accused changed original registration number of the truck to misappropriate the paddy, thereby the aforesaid offence was committed.
- 4) Learned counsel for the applicant submits that the applicant was only a driver who was engaged to drive the vehicle and the memorandum would show that he drove the vehicle on

15.01.2016 when the paddy was sent from Umapur, whereas on 19.01.2016 the truck was left on the road and on 04.02.2016 it was driven by other co-accused Ayodhya, therefore, no role has been played by the present applicant in the entire episode and no offence has been committed by him. Admittedly, present applicant has not been benefited by any means and he was only a driver. He also submits that the case of the present applicant is similar to that of other co-accused Ayodhya @ Jodhi, who has been granted regular bail in MCRC No.3976 of 2016 vide order dated 26.07.2016 passed by this Court. He further submits that Charge-sheet has been filed in this case, the applicant is in jail since 09.03.2016 and no further investigation is required, therefore, he may be released on bail.

- 5) Per contra, learned State Counsel opposes the prayer for grant of regular bail to the applicant, however, does not dispute the fact that similarly placed other co-accused has been enlarged on bail by this Court.
- 6) I have heard learned counsel for the parties and perused the case diary and documents. Perusal of the document would show that the applicant was engaged as a driver for the vehicle and primarily, allegations have been attributed to Sukhsai and Ajad Sekhar, who were the beneficiaries.
- 7) Having regard to the facts and circumstances of the case, considering the role played by the present applicant and considering the fact that charge-sheet has been filed in the case, the applicant is in jail since 09.03.2016 and further taking into consideration that similarly placed other co-accused person has been enlarged on bail, I am inclined to release the applicant on bail in all the cases.
- 8) Accordingly, the bail applications are allowed and the applicant is directed to be released on bail on his executing

personal bond in sum of Rs.25,000/- with one surety in the like sum in each case to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
JUDGE