

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5366 of 2016

- Ravi Kumar S/O Chandra Kumar Patel Aged About 21 Years R/O Village Sakti, P.S. & Tahsil Sakti, District Janjgir - Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : The Station House Officer, Police Station Kharsiya, District Raigarh Chhattisgarh

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-09-2016

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 on 28-7-2016 in connection with Crime No./Istgasa No. 07 of 2016, registered at Police Station Kharsiya, District Raigarh (CG) for the offence punishable under Sections 41(1-4) of the Cr.P.C and Section 379 of the IPC.
2. Case of the prosecution, in brief, is that on 27-7-2016 at night when the vehicle Bolero Pick-up bearing registration No. CG-12-S 5012 was intercepted, it was found that the vehicle was loaded with paddy by the applicant along with other co-accused persons and the applicant was apprehended as he could not produce any document.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he was only

driver of the said vehicle and the paddy was loaded by some other persons and it has not been substantiated as to who is the owner of the said paddy. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 28-7-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents wherein no evidence is available on record to whom the paddy belongs.
6. Taking into consideration the facts and circumstances of the case, and further considering the fact that that charge-sheet in this case has been filed and the applicant is in jail since 28-7-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju