

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6294 of 2016

1. Ramchandra Shitlani, S/o. Late Tarachand Sitlani, age 42 years, R/o. Mahamaya Chowk, Ratanpur, P.S. - Ratanpur, District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Chowki – Sargaon, P.S. Patharia, District – Mungeli (C.G.)

---- Respondent

For Applicant : Mr. Saleem Kazi, Advocate

For Respondent/State : Mr. Sangharsh Pandey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/10/2016

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.395/2015, registered at Police Station – Patharia, Police Chowki- Sargaon, District – Mungeli (C.G.) for the offence punishable under Section 420, 407, 411, 120B, 379/34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Abid Ahmad that he was to transport the coal from Gevara to Godawari Power and Ispat Plant, Siltara and on 01.12.2015 some coal were loaded in the trailer bearing No.C.G.-04-HB-6911 of 25.56 MT, however, it did not reached the destination and it was found that the applicant has got the coal unloaded in his go-down and was exchanging the poor quality of coal with the coal which was meant to be transported. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and neither the depot and the vehicle belonged to him, nor he was in any way involved in this case and only on the basis of presumption, he has been inculpated in this case and the FIR is also delayed, therefore, the counsel submits that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the fact that seizure has already been made and further considering the nature of allegation and the evidence available against the applicant, and the applicant is in jail since 02.09.2016, this Court is of the opinion that present is a 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge