

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7787 of 2016

- Tarundhawj Mishra S/o Shri Surendra Mishra Aged About 26 Years R/o Jayant Golai Basti, Police Chowki- Jayant, Police Station Vindhya Nagar Singroul, District Singrouli, Madhya Pradesh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station Khamtarai Raipur District Raipur, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Jitendranath Nande, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-12-2016

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 9-9-2016 in connection with Crime No. 139 of 2016, registered at Police Station Khamtra, District Raipur (CG) for the offence punishable under Sections 407, 409, 419, 420, 467, 468, 471, 201 and 120(B) of the IPC.
2. As per prosecution case, a report was made by one Anil Kumar, Sales Manager, Inland Logistic Pvt. Ltd., that on 13-6-2016 aluminum was loaded from Korba in four trucks which were to reach to Bangalore. In the meanwhile, the said aluminum was sold by the truck drivers namely Narendra, Vinod, Ranu Nishad and Uday Shanker to Nitesh, Rakesh Agrawal, Vimal Sultania and Mukesh Agrawal. It is alleged that out of the four offending trucks, the applicant is driver of one of the trucks and he along with other accused in connivance with each other sold the Aluminum, thereby the offence is committed.

3. Learned counsel appearing for the applicant would submit that the applicant is driver of one of the truck and he has followed the instructions of the owner of the truck and the owner of the aluminum had settled the dispute with the purchasers and on that basis, the bail was granted to other co-accused. He would further submit that charge-sheet has been filed in this case, no further investigation is necessary and the applicant is in jail since 9-9-2016, therefore, he may be enlarged on bail.
4. *Per contra*, learned State counsel opposes the prayer for grant of bail, however, he does not dispute the fact that the other co-accused has been enlarged on bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegation leveled against the applicant and considering the fact that charge-sheet has been filed, the applicant is in jail since 9-9-2016 and the other co-accused Mohd. Aarif Firdosi has been granted bail by this Court, I am 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