

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4992 of 2017

- Vijay Nishad S/o Makhan Lal Nishad, Aged About 30 Years R/o Belgari Basti, Balco Nagar, Tahsil Korba, District Korba (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Korba (Chhattisgarh).

---- Respondent

And

MCRC No. 5260 Of 2017

- Virendra Kumar S/o Badku Ram, Aged About 20 Years Caste Tekam, R/o Dhoida, Hardibazar, Korba, Presently R/o Sitamani Korba, Tahsil & District Korba, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Korba, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi and Mr. Mirza Kaiser
Baeg, Advocate
For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

04/12/2017

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both applications are applicant's second bail applications filed under Section 439 of the Code of Criminal Procedure, for grant of regular bail

to the applicants who have been arrested in connection with Crime No. 281/2017 registered at Police Station- Kotwali, District – Korba(C.G.) for the offence punishable under Sections 420, 407, 34, 120-B, 109 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have falsely implicated in this case. They are in jail since 15.5.2017. The case has been investigated and charge-sheet has been filed on 14.7.2017. This is their second bail application before this Court. Their first bail application has been dismissed as withdrawn by the co-ordinate Bench of this Court. Co-accused persons of this case have already been granted bail by the Sessions Court itself whereas the application of the applicants herein were rejected by the Sessions Court only on the ground that they have preferred applications before this Hon'ble Court. In these circumstances, it is prayed that applicants be also granted bail on the ground of parity.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. Facts of the case are these that on 1.5.2017 Trailers bearing registration No.CG12-S-2438 and MP18-GA-2991 started from Gevra taking load of coal for BALCO Plant but instead of unloading said coal at BALCO Plant, it was misappropriated by the owners and employees of the aforesaid vehicles. Applicant- Vijay Nishad is an employee of BALCO Plant whereas applicant Virendra Kumar is the driver of one of the aforesaid vehicles. On the basis of information given, the offence has been registered, investigated and charge-sheet has been filed.
7. Considering the submissions made, contents of the case diary and

further considering the fact that co-accused in this case has already been enlarged on bail by the trial Court itself, I am of the view that the applicants also deserves to be enlarged on regular bail on the ground of parity.

8. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge