

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5862 of 2017

Akram Raja S/o Mohammad Ikrar, Aged About 21 Years R/o Village Aara,
Police Station Rajpur, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Sunil Tripathi, Advocate

For Respondent : Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

21/11/2017

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 in connection with Crime No. 238/2016 registered at Police Station- Ramanujnagar, District Surajpur (C.G.) for the offence punishable under Sections 407,418,420,465,467,468,471,120 B of the IPC.
2. As per the prosecution case, as per the statement recorded under Section 161 of the Cr.P.C. and other material the applicant is the truck driver in whose truck coal was loaded as per direction of Anil Singh and the same was unloaded in another place. Further, the case of the prosecution is that Anil Singh was not the owner of the coal but one Prince Raj Singh is the owner of the coal and coal is not unloaded as per direction of Prince Raj Singh and he has been cheated and for commission of cheating certain forged documents were prepared.

3. Counsel for the applicant submits that the applicant is a driver acting as per the direction of his master and he has no intention to commit any offence. He further submits that the applicant has transported the coal as per direction of his master, therefore, no offence is made out against him.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. It is undisputed that the applicant is a truck driver and acted as per the direction of Anil Singh who is the owner of the truck. Though, coal was auctioned in the name of Prince Raj Singh but the applicant was not in contact with Prince Raj Singh. Looking to the fact that the applicant has performed his work as per direction of his master, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Ram Prasanna Sharma)
Judge