

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4878 of 2017**

- Ravi Choudhary S/o Shri Nandkuli Choudhary, Aged About 26 Years, R/o Village Sohbariya, Post Office & Police Station Meral, District Gadwa Jharkhand.

**---- Applicant**

**Versus**

- State Of Chhattisgarh through the Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh.

**---- Non-applicant**

**And**

**MCRC No. 6067 of 2017**

- Sohrab Firdosi S/o Mohammand Anwar Firdosi, Aged About 24 Years, R/o Kharsiya Naka, Ambikapur, Police Station Ambikapur, District Surguja Chhattisgarh.

**---- Applicant**

**Versus**

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

**---- Non-applicant**

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For Applicant – Shri Shivendu Pandya, Advocate (in MCRC No.4878/2017),  
Shri Pawan Shrivastava, Advocate (in MCRC No.6067/2017).

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**06-11-2017**

1. As both the matters arise out of the same crime number, i.e., Crime Number No.139/2016 registered at Police Station Khamtarai, District Raipur, C.G. for the offence under Section 407, 409, 419, 420, 467, 468, 471, 201, 120(B) and 411 of the IPC, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants.

3. As per the prosecution case, a report was made by one Anil Kumar, Sales Manager, Inland Logistic Pvt. Ltd., that on 13-06-2016 aluminum was loaded from Korba in four trucks which were to reach Bangalore. In the meanwhile, the said aluminum was sold by the truck drivers namely Narendra, Vinod, Ranu Nishad and Uday Shankar to Nitesh, Rakesh Agrawal, Vimal Sultania and Mukesh Agrawal. It is alleged that out of the four offending trucks, the applicant Ravi Choudhary is driver of one truck and he along with other accused in connivance with each other sold the aluminum, and applicant Sohrab Firdosi was co-owner of the truck, thereby the offence is committed.

4. It is submitted that applicant Ravi Choudhary was arrested on 04-03-2017 and applicant Sohrab Firdosi was arrested on 19-04-2017 and he was produced on production warrant on 15-05-2017. The applicants have been falsely implicated in this case. The co-accused persons in this case have been granted bail by the coordinate Bench of this Court. The applicants do not have any different case from that of the co-accused persons benefited with the bail. Hence, it is prayed that the applicants may be enlarged on bail.

5. Learned counsel for the State/non-applicant opposes the application and submission made in this respect. It is submitted that the applicants in both the cases have been involved in the offence which are committed at a huge scale in the matter of theft, misappropriation and cheating of coal and aluminum etc., hence, for these reasons they are not entitled for grant of bail.

6. Heard learned counsel for both the parties and perused the case diary.

7. Considering the submission and contents of the case diary and taking into consideration this fact that co-accused persons namely Mohd. Aarif Firdosi, Tarundhawj Mishra, Ashutosh Sharma, Surendra Nath Sharma, Saiyab Khan have been benefited with grant of bail by the coordinate Bench of this Court and no different case is made out with respect to the present applicants in this case, I am of this view that the applicants are entitled for grant of bail.

8. Consequently, both the applications (MCRC No.4878/2017 and MCRC No.6067/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**