

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8317 of 2016

- Bismilla Khan S/o Israr Khan Aged About 21 Years Caste- Muslim, R/o Chamarhi Police Station- Gadhwa, District Gadhwa, Jharkhand, At Present R/o Taraud, Police Station Akaltara, District Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Baradwar, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kamlesh Kumar Pandey, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-01-2017

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 on 10-11-2016 in connection with Crime No. 99 of 2016, registered at Police Station Baradwar, District Janjgir-Champa (CG) for the offence punishable under Sections 407, 420 of the IPC.
2. Case of the prosecution, in brief, is that in between 9-3-2016 and 10-3-2016 the applicant who was driver of the Truck bearing registration No. CG-12-S- 575 loaded coal in his truck which was to be transported from SECL Coal Mines, Deepka to D.P. Power Plant Badadarha and on the way 5 tons of substandard coal was mixed and thereby he misappropriated an amount of Rs.12,000/-.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and it cannot be conclusively proved that the said coal was substandard. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 10-11-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that charge-sheet sheet has been filed in this case, the applicant is in jail since 10-11-2016, 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