

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8427 of 2016

- Saiyab Khan S/o Naseem Khan Aged About 22 Years R/o Kalbala, Post - Nagar Utari, Police Station - Nagar, Civil And Revenue District - Gadhwā (Jharkhand) --- **Applicant**

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station - Khamtarai, Raipur, District - Raipur Chhattisgarh
Respondent

For the applicant	:	Mr. Kashif Shakeel, Advocate
For the respondent	:	Mr. Anil S. Pandey, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 139 of 2016 registered at P.S. Khamtarai, Distt. Raipur (C.G) for the offence punishable under Sections 407, 409, 419, 420, 467, 468, 471, 120-B of IPC.
2. As per the prosecution case, a report was made by one Anil kumar, Sales Manager, Inland Logistic Pvt. Ltd., that on 13.06.2017 aluminum was loaded from Korba in four trucks which were to reach to Bangalore. In the meanwhile, the said material was sold by the truck drivers namely the present applicant Narendra @ Saiyab Khan and co-accused 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 for the applicant would submit that the applicant is driver of one of the trucks 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 other accused namely Tarundhawj Mishra against whom similar allegations were levelled has been enlarged on bail by this Court in M.Cr.C.No.7787 of 2016 on 07.12.2016. He further submits that the charge sheet has been filed in this case; no further investigation is necessary and the applicant is in jail since 17.06.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that similarly placed co-accused has been enlarged on bail by this Court in M.Cr.C.No.7787/ 2016.
5. Perused the case diary and and other documents.
6. Taking into the nature of allegations levelled against the applicant and the facts and circumstances of the case especially considering the the fact that the charge sheet has been filed; applicant is in jail since 17.06.2016 and similarly placed co-accused Tarundhawj Mishra has been enlarged on bail by this Court, I am inclined to release the present applicant on regular bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal

bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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