

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2163 of 2017

- Krishna Kumar Kosle S/o Badri Prasad Kosle, Aged About 35 Years
R/o Village Bhatapara, Police Station- Bhatapara (Rural), District-
Baloda Bazar- Bhatapara, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer Police Station
Bilaigarh, District Baloda Bazar - Bhatapara, - Chhattisgarh. ---
Respondent

For the applicant	:	Mr. Awadh Tripathi, Advocate
For the State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.05.2017

1. This is second 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. 151/2015 registered at P.S. Bilaigarh, Distt. Balodabazar-Bhatapara (C.G) for the offence punishable under Sections 379, 407, 420, 120-B of IPC.
2. The first bail application was dismissed on 27.06.2016 on merits.
3. As per the prosecution case, on 05.03.2015 the applicant being the Driver of the Vehicle bearing No.C.G.04 JC 2447 collected 220 quintals of Paddy from Tundari and instead of taking it to Kurudbhata, Lakhouli, sold it to Garg Rice Mill with the help of Ravishankar by changing the registration number of the vehicle, therefore, the offence has been committed.
4. Learned counsel for the applicant would submit that the first bail application was dismissed on 27.06.2016 and thereafter

no substantial progress in trial takes place. He further submits that till date only 7 witnesses have been examined and the trial may take further time. He submits that the charge sheet has been filed and the applicant is in jail since 11.07.2015, therefore, looking to the period of detention of the applicant, he may be enlarged on bail.

5. Per contra, learned State counsel opposes the bail application. It appears that the State Counsel is not able to dispute the fact that only 7 witnesses have been examined in this case.
6. Considering the fact that the applicant is in jail since 11.07.2015 and there is likelihood of delay in conclusion of trial as only 7 witnesses have yet been examined and further considering the fact that the offences are triable by the JMFC and looking to the period of detention of the applicant, I am inclined to release him on bail at this stage.
7. Accordingly the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**