

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5233 of 2017

Umend Kumar Koshle @ Umesh S/o Sadhelal Koshle, Aged About 30 Years R/o Village Levae, P. S. Bhatapara, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Balodabazar, Police Station Bilaigarh, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For applicant - Ms. Aditi Singhvi, Advocate.
For Respondent/State –Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/09/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 14/09/2016 vide M.Cr.C. No.5399/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.148/2015 registered in Police Station Bilaigarh, District Balodabazar Bhatapara (C.G.) for offence punishable under sections 379, 407, 420, 120(B), 34 of IPC and Section 3 and 7 of Essential Commodities Act, 1955.
3. Case of the prosecution, in brief, is that on 9/03/2015, 240 quintals of paddy was loaded in the truck bearing registration No.CG-04-JC-2447 driven by the present applicant along with other co-accused for transporting the same to the Paddy Procurement Centre, but the said paddy was not transported to the required destination and which was stolen and it was misappropriated after changing registration number and thereby Rs.3,26,400/- was misappropriated by the applicant along with

other co-accused persons.

4. Learned counsel for the applicant submits that the applicant is in jail since 11/07/2015 and only 5 witnesses have been examined till date out of 21 enlisted witnesses and remaining are still to be examined and the case is being adjourned from day to day without recording of the evidence, therefore considering the delay the applicant may be released on bail.

5. Learned State counsel submits that he is not able to receive any information till date. On the earlier date also State Counsel was directed to enquire about what is the stage of trial.

6. Considering the submission made by learned counsel for the applicant that the applicant is in jail since 11/07/2015 and it appears that prosecution is not able to procure the attendance of the witnesses and taking into pre-trial detention of the applicant who is in jail since 11/07/2015 and nature of allegation, this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE