

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1740 of 2018

Mahesh Goswami S/o Saraswati Bharti Goshwami Aged About 33
Years R/o Bhadrapara, Balco Nagar, Police Station Balco, Tahsil
And District Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Kotwali, District Korba Chhattisgarh

---- Respondent

For applicant - Shri Vimlesh Bajpai, Advocate.
For Respondent/State –Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/04/2018

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was disposed of as withdrawn on 24/07/2017 vide M.Cr.C. No.3897 of 2017.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.281/2017 registered in Police Station Kotwali, District Korba (C.G.) for offence punishable under sections 420, 407, 34 of IPC.
3. As per the prosecution case, Trailers bearing registration No.CG12-S-2438 and MP18-GA-2991 with load of coal were to unload the coal at BALCO Plant but instead of unloading said coal at BALCO Plant, it was misappropriated by forged entry in the BALCO Plant and the applicant was one of the employee of the transporter.
4. Learned counsel for the applicant submits that the applicant is in jail since 16/05/2017 and other co-accused persons have been enlarged on bail on 4/12/2017 vide M.Cr.C. Nos.4992/2017 and 5260/2017, therefore the applicant may be released on bail.

5. Learned State counsel do not dispute the fact that their co-accused persons have been enlarged on bail on 4/12/2017 vide M.Cr.C. Nos.4992/2017 and 5260/2017.

6. Perused the case diary and the documents. Considering the fact that applicant is in jail since 16/05/2017 other co-accused persons have been enlarged on bail on 4/12/2017 vide M.Cr.C. Nos.4992/2017 and 5260/2017, 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