

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2078 of 2018

1. Om Prakash Prasad S/o Mahavir Prasad Aged About 55 Years
Occupation- Truck Driver, R/o Acc Jamul, Durg, District- Durg,
Chhattisgarh., District : Durg, Chhattisgarh
2. Dhannu Chandravanshi S/o Rampravesh Chandravanshi Aged About
21 Years Occupation- Truck Driver, R/o- Acc Jamul, Durg, District-
Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-
Kusmunda, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. Navin Shukla, Advocate.
For Respondent : Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/05/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.164/2017, registered at Police Station–Kusmunda, District–Korba(C.G.) for the offence punishable under Section 407/34 of Indian Penal Code.
2. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case. Applicants are in jail since 30.11.2017.The case is triable by Judicial Magistrate First Class and the trial is likely to take some time before its conclusion. Hence, it is prayed that they may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. As the case is this, that a load of coal of 38.690 MT were dispatched in two trucks bearing registration No.CG-07-AT-9974 and Truck No.CG-07-CA-9725 by complainant Arun Singh from Kusmunda to GR Sponge, Siltara, Raipur. The consignment was not received in the destination and it is alleged, that load of coal was misappropriated by the drivers of the said trucks. Both the applicants are the drivers of the said trucks. No seizure has been made from these applicants.
6. From perusal of the case diary, it appears that they do not have any criminal history and also looking to the nature of evidence present for prosecution against them, I am of this am of this opinion that applicants deserves to be granted regular bail during the pendency of the trial against them.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- to each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge