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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3016 of 2018**

1. Pritosh Dhage S/o Late Laxmikant Dhage Aged About 29 Years R/o Street No. 23 Quarter No. 08 B, Sector -1 Bhilai District Durg Chhattisgarh,
2. Akash S/o Harish Gaiakwad Aged About 20 Years R/o Street No. 13 Quarter No. 08 B, Sector -1 Bhilai District Durg Chhattisgarh.
3. Manoj Sahu S/o Late Ramkishor Sahu Aged About 42 Years R/o Station Maroda B. R. P. Colony Maroda
4. Awadhram S/o Vishambhar Dewangan Aged About 55 Years R/o Near Tin Darshn Mandir, Camp-1 Bhilai District Durg Chhattisgarh.
5. Shankar Prasad Verma S/o Dwarika Prasad Verma Aged About 31 Years R/o Contractor Colony, Supela Bhilai District Durg Chhattisgarh.,

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Chhawani, District Durg Chhattisgarh.

---- Respondent

For Applicants	: Ms. Sharmila Singhai, Advocate Mr. Sanjay Agrawal, Advocate
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For State/respondent	: Mr. Ashok Swarnakar, Panel Lawyer
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Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/05/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No. (Istgasa No.)

01/2018, registered at Police Station – Chhawani, District Durg (C.G.), for the offence punishable under Section 41-1-4 of Cr.P.C. and 379/34 of the Indian Penal Code.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this. The applicants are in jail since 05.04.2018. No case is made out against them. The coal that has been seized from the coal depot of Maruti Enterprises does not belong to the applicants. The applicants are simply employees had been working under the instruction of the proprietor. Hence, they are not responsible for procurement of the coal in the depot that has been found at the time of raid. Hence, it is prayed that the applicants may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that 161 tonnes of hard coal was seized from the yard of Maruti Enterprises, which is strongly suspected to be property of theft either belonging to railways or of the SECL. Investigation is going on, hence, at this stage, the applicants should not be released on bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, a raid was conducted by the police personnel of police station Chhawani, District Durg in the premises of Maruti Enterprises, where all the applicants were present. 161 tonnes of hard coal was found stored in the yard, for which no papers could be procured by the applicants to show that the coal was procured legally. Hence, this case.

6. Considered on the submissions made, contents of the case diary and the entire material present in the charge sheet. Copy of the registration certificate has been produced along with the bail application, which shows that proprietor of Maruti Enterprises is one Sanjay Kumar Dhage and according to the State counsel he has been arrayed as an accused and so far he is absconding. Further it does not appear that there is any requirement of custodial interrogation of the applicants or their detention for the purposes of investigation, hence for this reasons, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge