

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4644 of 2018

- Anil Singh @ Kariya S/o Shri Bahadur Singh Aged About 29 Years R/o- Village- Sidhama, O.P.- Bariyon P.S.- Rajpur, District- Balrampur, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Ramanujnagar, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

 For Applicant : Ms. Sonia Kuldeep, Advocate
 For Respondent/State : Shri Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

03/08/2018

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.238/2016, registered at Police Station Ramanujnagar, District Surajpur (CG) for the offence punishable under Sections 407, 420, 465, 467, 471, 201 & 120B of the Indian Penal Code.
3. As per the case of prosecution, coal was loaded in the Truck of one Akram Raja and as per discovery statement of Akram Raja, the present applicant has been made accused for commission of the said offence. It is further alleged that one

Prince Raj Singh is the owner of the Coal and the coal is not unloaded as per his direction to village Lavakera, Ambikapur and the same was unloaded at some other place, thereby, the applicant has committed the offence.

4. Learned counsel for the applicant submits that there is no prima facie evidence of entrusting coal by Prince Raj Singh to the present applicant and the evidence collected by the prosecution regarding purchase of Truck by the applicant in some other's name has no bearing with commission of the offence. He submits that the applicant is arrested on 6.10.2017 and the trial may take some time, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. He submits that there is prima facie evidence against the present applicant for commission of offence.

6. Perused the entire material available on record.

7. Considering the facts and circumstances of the case and the fact that there is no prima facie evidence regarding entrusting coal to the present applicant by the complainant and further looking to the fact that he is in custody since 6.10.2017 and trial will take some time, without further commenting on merits, I am inclined to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.

Sd/

(Ram Prasanna Sharma)
JUDGE

sunita