

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6550 of 2018

- Omprakash Nishad S/o Bhagat Nishad Aged About 44 Years R/o- Kailash Nagar, Beergaon, Police Station Khamtarai, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Khamtarai, Civil And Revenue District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sunita Sahu, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/10/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 343/2018, registered at Police Station Khamtarai, Distt. Raipur (C.G.) for the offence punishable under Sections 379, 34 of the IPC.
2. As per the prosecution story, on 20.06.2018, complainant Sonu Singh lodged a report, wherein it was stated that on 22.05.2018 he sent is truck bearing registration No. CG 04 ZC 0167 through driver Gaindlal to Fortune Metaliks Dharsiwa. It was further mentioned that driver loaded total 10 tons of iron rod amounting to Rs. 6,90,976 and parked the said truck near Bhanpuri Traffic Thana, Service Road and went home at 10 PM and when he came up at 4 o'clock in the morning the said truck was not there, it was stolen along with loaded iron rods. On the basis of said report, offence has been registered. During course of investigation, on the basis of memorandum statement of present applicant total 8 tons of said stolen iron rods has been seized from his

possession and thereafter he has been taken on custody on 22.06.2018.

3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case, he further submits that the other co-accused namely Chetan Kumar Dhruv has already granted benefit of bail by this Court, the applicant is in custody since 22-06-2018, charge-sheet has already been filed and trial will take some time, therefore, applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, particularly, evidence collected by the prosecution and further considering the fact that the other co-accused namely Chetan Kumar Dhruv has already granted benefit of bail by this Court, the applicant is in custody since 22-06-2018, charge-sheet has already been filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the trial court for his appearing before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge