

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8040 of 2018**

1. Kaushal, S/o Sadhelal, Aged About 30 Years, R/o Udantal Police Station- Bilha, District- Bilaspur (C.G.)
2. Vicky, S/o Shyamsunder, Aged About 21 Years, R/o Village- Kharkena, Police Station- Hirri, District- Bilaspur (C.G.)

**---- Applicants****Versus**

State of Chhattisgarh, Through Station House Officer, Police Station- Hirri, District- Bilaspur (C.G.)

**---- Respondent**

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 For Applicants : Mr. Vipin Singh, Advocate.

For State : Mr. Lav Sharma, PL.  
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**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****31/10/2018**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 03.10.2018 in connection with Crime No.- Ishtagasha No. 21/2018 registered at Police Station- Hirri, District- Bilaspur (C.G.), for the offence punishable under Sections 41(1-4) of Cr.P.C., 379 & 34 of IPC.
2. As per the prosecution case, a raid was conducted in Shivam Coal Depot regarding illegal sale-purchase of coal. The proceedings were initiated and suspected articles were found to be stolen and the present applicants have been arrested by the police.
3. Learned counsel for the applicants submits that there is no report regarding theft of coal and there is no prima facie

evidence that coal is removed from possession of other persons, therefore, the applicants may be enlarged on bail.

4. On the contrary, learned State counsel opposes the application for grant of bail.
5. Looking to the fact that no complaint was lodged regarding the coal seized in the case and proceeding has been initiated only on the basis of suspicion, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on their furnishing a personal bond in sum of Rs. 20,000/- each with one local surety each in the like amount to the satisfaction of the concerned trial Court. They shall appear before the trial court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

**Sd/-**  
**(Ram Prasanna Sharma)**  
Judge