

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.8147 of 2018**

Kamlesh Yadav, S/o Shri Ramanuj Yadav, aged about 27 years, R/o Village Jalpha, Police Station Hirri, District Bilaspur. **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Hirri, District Bilaspur (CG). **---- Non-applicant**

AND**MCRC No.8237 of 2018**

Jitendra Sahu, S/o Shri Keju Ram Sahu, aged about 32 years, R/o Village Jhalfa, Police Station Hirri, District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Hirri, District Bilaspur (CG). **---- Non-applicant**

AND**MCRC No.8504 of 2018**

Ganesh Das Manikpuri, aged about 32 years, son of Shri Janak Das, R/o Mini Basti Jarhabhatha, Ward No.08, P.S. Civil Lines, District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Hirri, District Bilaspur (CG). **---- Non-applicant**

For Applicants : Mr. N.K. Chatterjee, Mr. Dharmesh Shrivastava and Mr. Malay Shrivastava, Advocates.

For Non-applicant : Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**14.11.2018**

1. Above mentioned three bail applications arise out of a common Crime No.243/2018 registered at Police Station Hirri, District Bilaspur for the offence punishable under Sections 381, 34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the three are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that complainant Pramod Agrawal runs Coal

Depot in the name of Tirupati Coal Depot at village Belmundi. Applicants Kamlesh Yadav and Ganesh Das Manikpuri were employees of the said complainant. Applicant Jitendra Sahu is a owner of Trailer bearing Registration No.C.G.10-A.L.9654. The applicants/accused and co-accused Dhanesh Yadav, Vikas Pandey, Rikhi Ram and Ram Lakhan had stolen 100 tones of coal from Tirupati Coal Depot, the total worth of Rs.4,00,000/- (Rupees Four Lakhs) and sold the coal with the help of co-accused Rakesh Sahu and accused/applicant Jitendra Sahu to some others Coal Depot.

3. Counsel for the respective applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
4. Counsel for the State opposed the prayer for grant of bail. However, he submits that no criminal antecedent reported against the applicants in police case diary.
5. I have heard counsel for the parties and perused the case diary with utmost circumspection.
6. On the memorandum of the Applicant-Kamlesh Yadav, Rs.8,000/- has been seized from him.
7. On the memorandum of the Applicant-Ganesh Das Manikpuri, Rs.5,000/- has been seized from him.
8. On the memorandum of the Applicant-Jitendra Sahu, Rs.10,000/- and one aforesaid trailer have been seized from him.
9. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicants. Accordingly, the bail applications (M.Cr.C. No.8147/2018, M.Cr.C. No.8237/2018 & M.Cr.C. No.8504/2018) are allowed.
10. It is directed that in case, each of the applicants i.e. Kamlesh Yadav, Jitendra Sahu & Ganesh Das Manikpuri furnish two solvent sureties for a sum of Rs.50,000/- along with a personal bond in the sum of Rs.1,00,000/- to the satisfaction of the concerned Trial Court with the condition that they shall appear before the Trial Court at 11:00 am as and when directed till trial and they would co-operate during the trial, they shall be released on bail and they shall not commit such type of offence in future.
11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE