

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8818 of 2018

- Harish Gupta @ Minu Gupta, aged about 27 years, S/o Shri Santosh Gupta, R/o Purani Basti, Korba, Tehsil & District – Korba C.G.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station: Urga, District Korba (C.G.)

---- Respondent

For Applicant	: Shri Pushkar Sinha, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/12/2018

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. 230/2018, registered at Police Station – Urga, District- Korba (C.G.) for the offence punishable under Section 379, 411 & 34 of the IPC.
2. As per the prosecution story, on 03.10.2018, complainant Deepak Agrawal lodged a report in police station wherein it has been stated that on 30.09.2018, he sent his vehicle bearing registration no. CG 12 AV 1559 through his driver which was loaded with coal. Later on, he was informed by his driver that while he was sleeping, some unknown persons stole the said vehicle loaded with coal. Thereafter, empty vehicle was found at Sakri. On the basis of above, offence has been registered against unknown persons. Allegedly, the vehicle loaded with coal was stolen by the present applicant and he sold the said coal to the co-accused namely Yogendra Patel and Niket Sharma. On the basis of memorandum statements of co-accused persons Yogendra

Patel and Niket Sharma, stolen coal has been seized from their possession. Present applicant is in custody since 07.10.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that co-accused persons namely Yogendra Patel and Niket Sharma have already granted benefit of bail by this Court vide order dated 15.11.2018 passed in MCRC Nos. 8602/2018 & 8416/2018. The applicant is in custody since 07.10.2018 and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the other co-accused persons have already granted benefit of bail by this Court, the applicant is in custody since 07.10.2018 and trial is 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. 25,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge