

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 413 of 2019

- Basant Patel S/o Shri Rambagas Aged About 38 Years Caste Patel, R/o Village Konchara, P. S. Kota, District Bilaspur Chhattisgarh, District : Bilaspur

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kusmunda, District Korba Chhattisgarh

---- Respondent

For Applicant : Shri Pawan Shrivastava, Advocate.
For Respondent/State : Shri KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/02/2019

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 Isteghasa No. 10/2018, registered at Police Station – Kusumunda, District- Korba (C.G.) for the offence punishable under Section 379, 41(1-4) of the IPC.
2. As per the prosecution story, on the basis of secret information received from the informant, investigating officer of the case stopped Tractor No. CG 04 JC 0676 which was driven by the present applicant and found that the Tractor was loaded with 23 tons of Coal amounting to Rs. 1,10,000/- which has been seized from the possession of the present applicant in suspicious condition. On being asked, it was found that the coal was stolen from SECL Coal Mines with the help of other co-accused persons namely Heera Patel, Dharam Singh, Salim and Rizwaan. On the basis of said, offence has been registered. The applicant is in custody since 08.12.2018.

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 the Applicant has no criminal antecedent, he is in custody since 08.12.2018 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 Applicant has no criminal antecedent, he is in custody since 08.12.2018 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 appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge