

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1534 of 2019

- Jagendra Kashyap S/o Shive Sahaye Kashyap Aged About 50 Years R/o Post and Tehsil Beltara, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kusmunda, District Korba, Chhattisgarh.

---- Respondent

For Applicant : Shri Rohit Sharma, Advocate.
For Respondent/State : Smt. Smita Ghai, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/03/2019

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 crime No. 50/2019, registered at Police Station – Kusmunda, District - Korba, (C.G.) for the offence punishable under Sections 407, 411, 34, 120-B of the Indian Penal Code.
2. In this case, Complainant Karandeep Singh is a transporter of one firm namely Satguru Transport where he used to transport coal with his vehicle bearing registration No. CG 12 AU 5793. As per prosecution story, on 03.02.2019 total 29 ton 1600 kg coal was loaded and out of that, 5 ton coal was sold by the co-accused namely Chhote Lal Kurre, who is the driver of the said vehicle to the present Applicant. On 06.02.2019 also, total 30 ton 730 kg coal was loaded and co-accused Chhote Lal Kurre again sold the same to the present Applicant in a very low price. On the basis of the said, report has been made by Complainant and offence has been registered. The Applicant has been taken into custody on 12.02.2019.

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 on the basis of the evidence collected by the prosecution, *prima facie*, no any offence can be made out against the present Applicant. He also states that Applicant has no previous criminal antecedent, he is in custody since 12.02.2019 and trial is likely to 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 record.
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 12.02.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge