

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.3318 of 2019**

Mohammed Anshari, S/o Shri Hafij Anshari, aged about 21 years, R/o Village Chamma, District Gahrwa (Jharkhand), presently residing at Bodri Chakerbhata Basti, Police Station Chakerbhata, District Bilaspur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Hirri, District Bilaspur (CG).

---- Non-applicant

For Applicant : Mr. Amit Kumar Chaki, Advocate.

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****27.06.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.80/2019 registered in Police Station Hirri, District Bilaspur, Civil and Revenue District Bilaspur for the offence punishable under Sections 407, 411/34 of Indian Penal Code.
3. Prosecution story in brief is that the applicant is a driver of truck bearing registration number C.G.10-C-7588. 31.010 Metric tonnes coal was loaded in his truck for transportation to Mahaveer Coal washary. On the way, he sold 10 tonnes coal and mixed 10 tonnes gravel and stone chip in the coal. The cost of 10 tonnes coal is Rs.50,000/-.
4. Counsel for the applicant submitted that the applicant is an innocent and has been falsely implicated in the present case hence he

may be released on bail.

5. Counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. 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 applicant.
7. Accordingly, the present bail application filed under Section 439 of the CrPC is allowed.
8. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit such type of offence in future.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-