

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4311 of 2019

- Rambhavan Choudhary @ Babool Singh S/o Ramratan Choudhary, Aged About 32 Years, R/o Village Sanbharandi, Police Station Umarkot, District Navrangpur Odisha ., Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Suhela, District Baloda Bazar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Akash Kundu, Advocate.

For Non-applicant/State – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-04-2019 in connection with Crime No.239/2018 registered at P.S. - Suhela, District Baloda Bazar, Chhattisgarh for the offence under Section 407, 34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 09-04-2019. Charge sheet has been filed after completion of the investigation. No case is made out against this applicant. This applicant himself has grievance against the drivers of the said trucks who have actually committed offence of misappropriating the trucks loaded of cement. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant is equally involved in commission of the offence along with drivers of the said trucks, therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, between 19-03-2018 to 04-05-2019 1200 bags of cement of value Rs. 3,75,000/- were loaded in the trucks owned by this applicant for transport to Orrisa. The drivers of the said trucks departed, but they did not reach the destination. After lodging of the FIR the applicant who is owner of the said trucks has been arrested and detained.

6. For the reason that this applicant does not have any criminal history and the drivers of the said trucks have also not been made accused in this case and also for the reason the case is now pending for trial, therefore, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge