

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4412 of 2019

Sanjay Kumar Shah S/o Mohan Lal Shah, aged about 35 years, R/o Village Semariya, P.S. Baidhan, District Singrouli (MP)

-Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police of Police Station Punjipathra, District Raigarh (CG)

---- Respondent

 For Applicant : Shri Pradeep Kumar Singh, Advocate
 For Respondent/State : Shri Wasim Miyam, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

31.07.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.69/2019, registered at Police Station Punjipathra, District Raigarh(CG) for the offence punishable under Sections 407, 411, 34 of the IPC.
3. As per the case of prosecution, the co-accused Suresh Kumar Shah is driver of truck bearing No.CG-15 DF-4886 and he loaded 30 tons of iron rod amounting to Rs.11 lakhs approximately in the truck on 7.4.2019 from Nirmalanand Steel Casting Private Ltd. Punjipathra which was to be delivered to M/s Ashish Kumar Agrawal, Rajpur, District Balrampur. It is alleged that the co-accused Suresh Kumar along with the present applicant misappropriated and instead of delivering the goods to the destination, on the way sold the goods to one Premlal Jaiswal.

4. Learned counsel for the applicant submits that the applicant has not committed any offence. The co-accused Suresh Kumar Shah is driver of the truck and he delivered the goods as per instructions of the owner of the said truck and the applicant has no active role in delivering the goods. He submits the applicant is in jail since 10.4.2019 and trial will take some time for its final disposal, therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the fact that the applicant is in jail since 10.4.2019, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with two local sureties in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE