

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9348 of 2018**

Madan Singh Rajput S/o Shri P.S. Rajput, aged about 61 years R/o Village Pali,
Post Officer, Police Station & Tahsil Pali, District Korba (C.G.)

--- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police Station
Dharsiwa, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Shivendu Pandaya, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

15/01/2019

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 480/2018 registered at Police Station Dharsiwa, District Raipur (C.G.) for the offence punishable under Sections 420, 407/34 of the IPC.
2. As per prosecution story, on 07/11/2018 Complainant Ajay Sharma, AGM of one S.K.S. Ispat Power Ltd., Siltara made a report to the effect that KD Transport Dipka was engaged to transport coal from Dipka Coal Mines. On 03/11/2018 coal was loaded in two trucks bearing registration No. CG/04/JC/1121 (loaded 31.380 MT) & CGF/04/JB/0921 (loaded 31.160 MT) which were sent from Dipka Coal Mines, Korba to S.K.S. Ispat Power Ltd., Siltara, Raipur. The Applicant is owner of both the trucks. It was further alleged that after

weighting the aforesaid trucks, it was found that the quantity of loaded coal was on lesser side. It was informed by the truck driver/co-accused that they along with the Applicant and one Mintu Singh committed theft the said shortened coal which was in the loaded truck. On the basis of the said, offence has been registered against the Applicant and other co-accused persons. The Applicant has been arrested on 09/11/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that on the basis of material available on record, prima-facie, no offence under Section 420 IPC is made out against the Applicant. He further submits that the Applicant is in jail since 09/11/2018 and trial will take time, therefore, he may be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 09/11/2018 and trial will likely to take some time, without further commenting on merit 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 his

executing a personal bond for a sum of Rs. 20,000/- with one 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

Rahul