

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1041 of 2020**

- Anshul Jaiswal S/o Mahesh Jaiswal Aged About 35 Years, R/o Basanti Colony Udit Nagar Raoulkela, District Sundargarh, Orrisa.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station City Kotwali Balodabazar, District Balodabazar- Bhatapara. Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rakesh Pandey, Adv.
For Respondent/State	:	Mr. Sunil Otmani, Addl. A.G.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/06/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 735/2019 registered at Police Station City Kotwali Balodabazar, District-Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 409, 407, 34 of the IPC.
2. The prosecution story in brief is that, complainant Pramod Kumar Tripathi lodged an F.I.R., that, on 11.09.2019 truck bearing registration number OD-14-H-3265 had to transport 680 bags of cement to the destination but till date the said cement has not been delivered. It is alleged that the driver of the truck Rakesh Kumar and the owner of the truck present applicant Anshul Jaiswal have sold out the said cement to someone else and the advance of freight and expenses of diesel fraudulently taken away. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is in jail since 23.01.2020, there is no likelihood of his case being decided in

near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature, and there have oral as well as documentary evidence against the applicant, therefore, no case is made out for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the applicant is in jail since 23.01.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.
8. It is made clear that if the applicant has already been released on bail pursuant to the bail bond already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bond afresh and the bail bond already furnished shall be deemed to be the bail bond furnished in compliance of the order of this Court, but if he has not furnished the bail bond earlier, then he will be required to furnish bail bond within four weeks from today.

**Sd/-
(Rajani Dubey)
Judge**