

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1263 of 2020**

- Rahul Kumar Gendle & Ors. S/o Shri Pusau Ram Gendle Aged About 30 Years R/o Village Kharjhidhi P.S. Patharia District Mungeli Chhattisgarh
- Krishna Kumar Kosle S/o Shri Badri Prasad Kosle Aged About 38 Years R/o Santmata Karma Ward, Bhatapara, District Balodabazar-Bhatapara Chhattisgarh
- Umendra Kumar Kosle S/o Shri Radhelal Kosle Aged About 30 Years R/o Santmata Karma Ward, Bhatapara, District Balodabazar-Bhatapara Chhattisgarh

**---- Applicants****Versus**

- State Of Chhattisgarh Through District Magistrate, District Gariyabandh Chhattisgarh

**---- Respondent****MCRC No. 1264 of 2020**

- Umendra Kumar Kosle S/o Shri Radhelal Kosle Aged About 30 Years R/o Santmata Karma Ward, Bhatapara, District Balodabazar-Bhatapara, Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through Police Station- Mainpur, District- Gariyabandh, Chhattisgarh

**---- Respondent**


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| For Applicant/s | : | Mr. Pragalbha Sharma, Advocate.  |
| For State       | : | Mr. Alok Bakshi, Additional A.G. |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****23/03/2020**

Heard.

1. Both the applications are being decided by this common order as the allegations in both the cases except crime number, are identical.
2. The applicants have been arrested in connection with Crime No.37/2015 in MCRC No.1263/2020 and Crime No.89/2015 in MCRC No.1264/2020 registered at Police Stations Amilipadar, Gariyabandh (C.G.) and Mainpur, Gariyabandh (C.G.) respectively for the alleged commission of offence under sections 420, 467, 468, 471, 406 R/w 34 of IPC, 1860, have preferred aforesaid two applications on the ground that the applicants are Drivers of the

vehicle which belong to transporter Ajay Sharma and prosecution case is that on the instructions of Ajay Sharma, transporter and his sub contractor- Sandeep Kotak, Vehicles loaded with paddy were diverted to destination other than those where they were supposed to reach.

3. Learned counsel appearing on behalf of the applicants submits that the applicants have been falsely implicated in the present case. From the material collected by the prosecution, prima facie, no case has been made out against the applicants. He further submits that FIR has been lodged against the unknown driver and owner of the said trucks, the applicants are not the owner of the said trucks nor transporter nor their agents or any other person to transport any material from the Paddy Center.
4. On the other hand, learned State Counsel opposes and submits that the applicants are equally involved in the alleged commission of offence.
5. Taking into consideration the submission of learned counsel for the parties and after perusing order dated 02.12.2019 passed in MCRC No.6778/2019 and connected matters as also order passed in MCRC No.4117/2019, I am satisfied that the present applicants are identically situated as the other co-accused Ajay Sharma and Sandeep Kotak who have already been granted bail, further taking into consideration the material in the aforesaid two cases, I am inclined to grant bail.
6. Accordingly, all the bail applications are allowed on the same conditions as granted in other cases. It is directed that the applicants shall be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that-
  - a) They shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
  - b) They shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
 Judge