

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1896 of 2020

- Sumanto Kumura S/o Sukhdev Kumura Aged About 40 Years (Surname Wrongly Mentioned As Kamra By Lower Court), R/o- Devgaon, Ps Brijrajnagar, Tehsil And District Jharsugda, (Orissa). Currently Resding At Jampali Coal Mines, Ps Gharghoda, District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Pungipathra, District Raigarh, Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Priyak Rathi, Advocate
For Respondent /State	:	Shri Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

26/05/2020

1. 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.12/2020, registered at Police Station Punjipathara, District Raigarh(CG) for the offence punishable under Sections 420, 467, 468, 120B, 379, 201, 34 of the IPC.
2. As per the case of prosecution, the applicant who is working as Assistant Manager in S.E.C.L. along with other co-accused persons and director of Megha Tansport has conspired for the

illegal transportation of coal through trailer bearing No.OD 15G 1549 and CG 15AC 5001 from Jampali coal mines and transported 71 Metric Tonnes of Coal from the mines amounting to Rs.1,84,000/-.

3. Learned counsel for the applicant submits the applicant is innocent and he has been falsely implicated in the case. He submits that the applicant is an employee in the SECL. He further submits that the co-accused persons have already been enlarged on bail by this Court in MCRC Nos.2678/2020 and 1712/2020 and applicant is in custody since 26.2.2020 and trial may take some time for its final disposal therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Perused the entire material available on record.
6. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and yet charge sheet has not been filed and the co-accused persons have been released on bail and further considering that trial may take some time for its final disposal, I am of the opinion that present is a fit case to release the applicant on bail.

7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety 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.
9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds 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 23.3.2020 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 bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE