

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3671 of 2020**

- Surendra Vishwakarma S/o late Vijay aged about 32 years, resident of Mandir Talab Station Road, Police Station Champa, District Janjgir-Champa (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through : its Police Station – Pachpedi, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Shri Ravi Maheshwari, Advocate
For Respondent	:	Shri Raghavendra Verma, G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****16/07/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.100/2019, registered at Police Station – Pachpedi, Civil and Revenue District, Bilaspur (C.G.) for the offence punishable under Section 407/34 IPC.
2. The allegation against the present applicant is that G-5 quality coal was loaded in the truck bearing registration No.CG-08L-0233 for its destination to Kalindi Steel Plant, but after unloading the truck, the coal was found to be of G-9 quality. Allegedly, they have exchanged the loaded coal from G-5 Grade to G-9 Grade. Allegation against the present applicant is that he being the helper of the truck, was also involved in the crime in question. Based on this, offence has been registered. The present applicant has been taken into custody on 05.03.2020.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that vide order dated 15.01.2020 passed in

MCRCA No.1699/2019, co-accused Rajesh Kumar Pandey, owner of the truck, has been granted anticipatory bail, therefore, the present applicant may also be granted bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that co-accused has already been granted anticipatory bail, the present applicant is in custody since 05.03.2020 and the trial is likely to take some time, without further commenting on merits 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.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge