

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3577 of 2020**

- Abhimanyu Pandey, S/o Ravindranath Pandey, Aged about 30 years, R/o- Village- Amar, Post Office & Police Station- Majhiyan, District- Gadwa (Jharkhand), Present Address- Durga Nagar, Beergaon, Police Station- Urla, Raipur, District- Raipur (C.G.)
---- **Applicant**

Versus

- State of Chhattisgarh, Through : The Station House Officer, P.S. Punjipathra, District- Raigarh (C.G.)
---- **Respondent**

For Applicant	:	Mr. Shivendu Pandya, Adv.
For Respondent/State	:	Mr. Vimlesh Bajpai, Govt. Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/07/2020**

1. Heard on admission.
2. Admit.
3. 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. 116/2018 registered at Police Station Punjipathra, District- Raigarh (C.G.) for the offence punishable under Section 407/34 of the IPC.
4. The prosecution story in brief is that, a written complaint has been filed by the complainant Rakesh Kumar Pandey inter-alia on the ground that on 16.08.2018, he dispatched 22 tons of T.M.T. Saria valuing Rs. 9,72,868/- to Shalimar Corporation Limited Jabalpur (M.P.) from his factory through truck bearing Registration No. CG 09 B 0960 belonging to Jai Maa Durga Road Lines. It has been alleged that the said consignment had not reached to its destination. Allegedly, the truck owner/co-accused Abhimanyu Pandey and truck driver Rajesh Singh had chaos the said consignment and being a transporter, the applicant is also involved in the crime in

question. On the basis of memorandum statement police has been arrested the present applicant and offence has been registered.

5. 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 prosecution did not produce any documents before the trial Court to established the allegation against the present applicant. He next submits that the the other accused person namely Sanjay Jaiswal in this case has already been granted anticipatory bail by this Hon'ble Court vide order dated 18.03.2020 in MCRCA No. 154/2020 and the applicant is in jail since 25.12.2019, therefore, the present applicant is released on regular bail on the ground of parity.
6. 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; therefore, no case is made out for grant of bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. 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 other co-accused has already been granted anticipatory bail by this Court, the applicant is in jail since 25.12.2019, 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.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- 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.
10. 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

Nadim