

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5443 of 2020**

Shushil Kumar S/o Lagnu Nishad Aged About 30 Years R/o Gram Bhavanipur Police Station- Gidhpuri District (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station- Gidhpuri District (Revenue And Civil)- Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sumit Jhavar, Advocate.
For the Respondent/State : Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.10.2020**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.120 of 2019, registered at Police Station – Gidhpuri, District – Baloda Bazar - Bhatapara, Chhattisgarh for the offence punishable under Sections 420, 418 and 409/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.07.2020 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. As the applicant was simply a labourer in the paddy purchase center and working under the instructions of in-charge of the

other supervisors. The main accused, namely, Amit Kumar Azad has been granted anticipatory bail by the Co-ordinate Bench of this Court in M.Cr.C.(A) No. 983 of 2020. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that looking to the evidence present against this applicant, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case, a team constituted by the Collector, Baloda Bazar conducted a raid in the paddy collection center, Bhavanipur and found that 1027 bags of paddy was present in excess and unaccounted regarding which, FIR was lodged and the applicant was arrested.

6. After considering the submissions and the facts of the case and also considering the fact that the main accused in this case has been granted anticipatory bail by the Co-ordinate Bench of this Court, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge