

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No.7222 of 2020

Somnath Singh S/o Pancham Singh Aged About 36 Years Occupation Driver
 R/o House No. 44, New Rani Kudar, Police Station Kadma, Tahsil and District
 Shiv Bhumi (Jharkhand).

---- Applicant

Versus

State of Chhattisgarh Through The Police Station- Punjipathra, District Raigarh,
 Chhattisgarh.

--- Respondents

For Applicant	: Mr. Hari Agrawal, Advocate.
For Respondent-state	: Mr. Vikram Sharma, Dy. GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

17/12/2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime/Ishtagasa No.07/2020, registered at Police Station -Punjipathra, District – Raigarh, (C.G), for the offence under Sections 41(1-4) Cr.P.C r/w 379 of the Indian Penal Code.
2. Case of the prosecution is that during search of vehicle bearing Registration No.NL01-K-5807 driven by present applicant, Police found that vehicle was loaded with Iron Scrape. On the basis of suspicion that said Iron Scrape was of stolen property, Police has registered Crime/Ishtagasa No.07/2020 against the applicant and arrested him.
3. Learned counsel for the applicant submits that the applicant is a driver by profession and on the instruction of owner of vehicle has loaded Iron Scrape. As he could not produce the entire documents before the Police he was arrested. He further submits that along-with this application, he has filed relevant documents to show that Iron Scrape was not of stolen

property. Applicant is in jail since 14.08.2020. Hence, he may be released on bail.

4. Learned counsel for the State opposes the bail application and submits that during search of alleged vehicle by the Police, the applicant could not able to produce relevant documents, he was arrested. Hence, he is not entitled for grant of bail.
5. Heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, the fact that applicant is in jail since 14.08.2020 and offence is triable by JMFC, without commenting anything on merits of the case, I am inclined to allow bail application of applicant.
7. Accordingly, bail application is allowed. It is directed that the applicant shall be released on regular bail, on his furnishing bail bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not, in any manner, tamper with the prosecution witnesses.
 - c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-