

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1201 of 2021**

- Om Prakash Singh, S/o Shri Keshav Singh Rajpoot, aged about 35 Years, Occupation Driver, R/o Dala Bazar, P. S. Chopan, District Sonbhadra U. P.

----Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station District Surguja Chhattisgarh.

----Non-applicant

For Applicant	Shri Nishi Kant Sinha, Advocate.
For State	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****17/02/2021**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 15.11.2020 in connection with Crime No. 128/2020 registered in Police Station- Lakhanpur, District Surguja (CG) for the offence punishable under Sections 420, 406, 120B, 511, 34 of IPC.
2. Allegation against the present applicant is that on 14.11.2020 he being the driver of truck bearing registration No. CG 15/A C-4530 along with other co-accused who is owner of the said truck in which coal was loaded to be transported from Mahan-2 mines to Jharsuguda Plant, took the truck to Lakhanpur with intention to commit misappropriation of coal.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the crime in question. He also submits that the applicant is in jail since 15.11.2020, he has no criminal antecedent, conclusion of trial is likely to take some time and that co-accused namely Prince Verma in this case has already been granted regular bail by this Court vide order dated 18.01.2021 passed in MCRC No.9121 of 2020 and, therefore, the applicant be released on bail on the ground of parity.
4. On the other hand, learned counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, the fact that the applicant has no criminal antecedent as admitted by both the counsel, he is in jail since 15.11.2020, charge-sheet has already been filed and that co-accused has already been granted regular bail by this Court and conclusion of trial may take some time, without expressing any opinion on the merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-
 - i. he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.
 - ii. he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. he shall appear before the trial Court on each and every

date given to him by the said Court till disposal of the trial.
iv. he shall not involve himself in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-
(Gautam Chourdiya)
Judge

Akhilesh