

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 807 of 2015

Jitendra Kumar Dubey S/o Late Jeevan Dhar Dubey Aged About 47 Years R/o R.I.S. Colony, P.S. - Kotwali, Revenue And Civil District - Kondagaon (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The Police Station Kotwali, District - Kondagaon (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Praveen Kumar Tulsyan, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer

Order On Board

27/08/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.192/2015, registered in Police Station- Kotwali/Kondagaon, District -Kondagaon, for alleged commission of offence under Section 379 of the IPC.
2. Case of the prosecution, in brief, is that the applicant, who is the Dealer of tractors, had later on sold the tractor from the possession of Rewti, wife of deceased Gajendra who had purchased tractor from the applicant/ Dealer under a finance scheme.
3. Learned counsel for the applicant submits that the applicant is being involved on false allegation. He was only a Dealer of the vehicle. As the loan taken by late Gajendra was not being re-paid, nor the guarantor had re-paid, the finance company seized the vehicle.
4. On the other hand, learned counsel for the State submits that according to complainant –Rewati, it is the applicant who had played main role to remove tractor from her custody without her notice and knowledge at the instance of finance company.

5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the finance company has sent a letter stating that it had seized the vehicle and also the report of Additional Superintendent of police, the finance company was instrumental in collecting the vehicle, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
 - (ii) the applicant 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 facts to the Court or to any police officer;
- Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen