

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5955 of 2015

Nirbhay Ram Nishad S/o Shri Bhagatram Nishad Aged About 40 Years R/o Village Bhandara, Post Devri, Tahsil Doundilohara, Civil And Rev. Distt. Balod Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through The Police Station Sihawa, Civil And Rev. Distt. Dhamtari Chhattisgarh.

---- Respondent

For applicant - Shri P.P. Sahu, Advocate.
For Respondent/State – Shri Ashish Shukla, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

5/11/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.55/2015 registered in Police Station Sihawa, District Dhamtari (C.G.) for offence punishable under section 406, 409, 420, 467, 468, 471, 120 & 411 of IPC.
2. As per the prosecution case one Santosh Kumar and Manoj Kumar convinced one Puran Singh to get loan from Antavyavasai Sahkari Vikas Samiti. Thereafter, they along with Puran Singh went to Antavyavasai Sahkari Vikas Samiti to get loan sanctioned. Subsequently, Puran Singh was taken to the show room of the tractor his photograph were taken out with the tractor and thereafter he was assured that the tractor would be sent to his residence. He was sent back along with amount of Rs.10,000/-. Subsequently, tractor did not reach to Puran Singh and instead for non payment of installment he received the notice and thereafter report was

made. On enquiry it was found that said tractor was said to be sold to the Nirbhay Ram Nishad the present applicant and the case has been registered.

3. Learned counsel for the applicant submits that he is not party to the entire fraud and instead he himself has been deceived since he has acquired the tractor for value, therefore his case is entirely different and charges are under Section 411 of IPC against this applicant, therefore he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however do not dispute the fact that allegation against this applicant are under Section 411 of IPC as the tractor was recovered from his possession which was actually financed in the name of Puran Singh.

5. Having regard to the facts of this case and taking in to fact primary allegations are against Santosh Kumar and Manoj Kumar and other accused and the allegation against this applicant are under Section 411 of IPC, charge sheet has been filed and applicant is in jail since 25/07/2015, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

