

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1054 of 2016**

Ude Singh S/o. Late Jangal Singh, aged about 70 years, R/o. Village Kalarpara Aamgaon Tahsil Bhanupratappur P.S. Tadoki Revenue and Civil District North Bastar Kanker (CG)

---Applicant**Versus**

State of Chhattisgarh Through: The Police Station Tadoki, District North Bastar Kanker (CG)

---Non-applicant

For Applicant	:	Mr. P.K.Tulsyan, Advocate
For Non-applicant	:	Mr. Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/03/2016**

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.19/2015, registered at Police Station-Tadoki, District-North Bastar Kanker (CG), for the offence punishable under Sections 420, 467, 468, 471 and 120B/34 of the IPC and Sections 3 (1) (4) & 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that the applicant and two co-accused persons obtained title deed of complainant Sonu Ram Markam and got loan sanctioned and purchased the tractor and found in possession of the said tractor and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that loan was taken by complainant

Sonu Ram Markam and tractor was found in his possession. Part of trolley was also found in possession of the complainant. The applicant is in jail since 14.10.2015, charge-sheet has already been filed and no further custodial interrogation is required, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicant and other two co-accused persons have taken the tractor after sanctioning the loan, but they have not paid the loan.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature & gravity of the offence, role of the present applicant in offence in question, the possession of the tractor and part of trolley was said to be found in possession of the complainant, pre-trial detention of the applicant i.e. since 14.10.2015, charge-sheet has already been filed and no custodial interrogation is required, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

8. It is directed that the 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-