

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7414 of 2015

1. Nikhil Vaishnav, aged about 24 years, S/o. Rajeshwar Vaishnav, R/o. Tulsipur, Police Station – Kotwali (wrongly mention as City Kotwali), District – Rajnandgaon (C.G.).

----Applicant

Versus

1. State Of Chhattisgarh, Through : the District Magistrate, Bemetara (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. P.K.C. Tiwari, Sr. Advocate with Mr. Shashi Bhushan Tiwari, Advocate
For Respondent/State	:	Mr. Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/01/2016

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.492/2015, registered at Police Station – Bemetara, District – Bemetara (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B, 34 and 413 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by Sales Manager, Arun Agriculture, Rajnandgaon that a tractor was financed to this applicant, however, repayment of loan was not made, subsequently, when it was enquired it was found that the said tractor has been sold to other co-accused who by changing the chassis number sold it to other person.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the only allegation against this applicant is that he has sold the financed vehicle to other co-accused and the main allegation is attributed to other accused to change the number, therefore, the charges against this application is only confined to sale of the hypothicated property. Considering the fact that charge sheet in this case has been filed and the applicant is in jail since 13.09.2015, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that only allegation against this applicant is that he has sold the tractor which was financed to him and according to the charge sheet no further recovery has been made of any vehicle. Taking in to the degree of allegation against the present applicant, it appears the case of the applicant is different from the other co-accused of whose the bail application has been rejected. Taking into the fact and circumstances of the case and the fact that no recovery was made except memorandum from this applicant and considering the fact the applicant is in jail since 13.09.2015, 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 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram