

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 353 of 2016

Prakash Yadav S/o. Dilbandhu Yadav, aged about 37 years, R/o. Village Dharsedi, Police Station- Odgi, District Surajpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Odgi, District – Surajpur (C.G.)

---- Respondent

For Applicant	:- Mr. Shushil Dubey, Advocate
For Respondent/ State	:- Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

29/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 102/2015 registered at Police Station- Odgi, District - Surguja (C.G.) for the offence punishable under Sections 406,420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant had taken tractor and trolley from the complainant. Thereafter, the tractor was being used and some advance was also paid. Subsequently, the tractor was returned by the driver to the complainant and the trolley was kept by the applicant in his possession. Therefore, the report was made by the complainant in Police Station Odgi and after the investigation the trolley was recovered from the courtyard of the house of the applicant.
3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that both the offence

under section 406 and 420 can not go along. He further submits that the dispute is of complete civil in nature and out of monetary transaction. He further submits that the applicant is in jail since 16.12.2015 therefore, he may be enlarged on bail.

4. State counsel opposes prayer for grant of bail.
5. Having regard to the fact and the nature of offence and the degree of allegations levelled against this applicant; the charge sheet has been filed in this case and the fact the applicant is in jail since 16.12.2015, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-

(Goutam Bhaduri)
Judge