

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 396 OF 2016**

Santosh Kumar Sahu S/o Radheshyam Sahu, aged about 45 years, Caste Teli, R/o Sarkanda, Bandhwapara, Near Shiv Temple, Bilaspur, Tahsil & District Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.

---Applicant**Versus**

The State of Chhattisgarh, Through S.H.O. Police Station Vishrampur, District Surajpur, Chhattisgarh.

---Non-applicant

For Applicant	:	Mr. A.K. Prasad, Advocate
For Non-applicant	:	Mr. Neeraj Sharma, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/02/2016**

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. 112/15, registered at Police Station Vishrampur, District Surajpur, Chhattisgarh, for the

offence punishable under Section 420 of Indian Penal Code.

2. Case of the prosecution, in brief, is that applicant being an agent of Mahindra Tractor Company obtained Rs. 1,10,000/- to deliver new tractor but neither delivered tractor nor return back the amount and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in crime in question. He would further submit that earlier tractor was given to him but he failed to execute the documents for finance, therefore, tractor was taken back and the amount of Rs. 1,10,000/- has been returned to him, as such, a false case has been registered against him. He would further submit that applicant is in jail since 09/12/2015 and charge sheet has been filed. He would lastly submit that no useful purpose would be served by detaining the applicant in jail, as such, applicant deserves to be released on bail.

4. On the other hand, learned counsel for the State

would oppose the bail application.

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

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; documents filed; statement of the applicant particularly, claim of the applicant that the amount has been returned; pretrial detention of the applicant and charge sheet has already been filed, this Court is of the opinion that present is the 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 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.

Tiwari

Sd/-
(Sanjay K. Agrawal)
JUDGE