

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5289 of 2016

Moti Chandrakar, S/o. Late Gandhiram Chandrakar, Aged About 46 Years, R/o. Sheetlapara Ward, Durg, Distt. Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station - Sihava, Tahsil Nagri, Distt. Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.09.2016

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.55/2015 registered at Police Station- Sihava, Distt. Dhamtari (C.G.) for the offence punishable under Section 406, 409, 411, 420, 467, 468, 471, 120-B of Indian Penal Code.
2. As per the prosecution case, one Santosh Kumar and Manoj Kumar convinced beneficiary Anil Dhruv and Nirbhay Singh to obtain loan from Antavyavasai Sahkari Vikas Samiti, Dhamtari. Thereafter, the loan was sanctioned in their name for which margin money was deposited by the present applicant. After purchase of the vehicles, the applicant retained possession thereof and plied them as taxi. The beneficiaries were not aware of this and never got possession of the vehicles; thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the other similarly placed co-accused Vikrant Shrivastava has been enlarged on bail by the co-ordinate Bench on 16.05.2016 in MCRC No.2108 of 2016 and the case of the present applicant is similar to that case, therefore, the present applicant may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the other similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature of offence and degree of allegation and the fact that the similarly placed co-accused has been enlarged on bail on 16.05.2016 in MCRC No.2108 of 2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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/-
(Goutam Bhaduri)
Judge