

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8546 of 2016

- Kedar Singh Rajput S/o Ghanshyam Singh Rajput, Aged About 40 Years R/o Village- Khursipaar, Bhilai, Civil And Revenue District- Durg Chhattisgarh. **--- Applicant**

Versus

- State of Chhattisgarh through Police Station- Maakdi, Civil And Revenue District- Kondagaon Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Adil Minhaj, Advocate
For the Respondent	:	Mr. Vivek Singha, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.01.2017

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 26 of 2016 registered at Police Station Maakdi, Distt. Kondagaon (C.G) for the offence punishable under Section 379 of IPC.
2. As per the prosecution case, M/s. Sanjay Agrawal Company, Raipur was running a bitumen plant at village Karandi where certain heavy equipment like Highwa, JCB, Pokelane etc., were deployed. It is alleged that on 03.08.2016 some unidentified persons towed away the Highwa Truck No.C.G.04-JA/8242 by Crane on the pretext of repairs. Thereafter when the said vehicle was not found a report was made. During investigation it was revealed that the present applicant and others towed away the said vehicle and at his instance, the vehicle was recovered.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and the truck was

seized from Transport Nagar Bhilai on the road side and not from the present applicant, therefore, it is completely ambiguous to prove that the seizure is made at the instance of the present applicant as the seizure was made from a road side. He further submits that the charge sheet has been filed and the applicant is in jail since 25.08.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the seizure documents
6. Considering the nature of recovery of the vehicle and the totality of facts and circumstances of the case especially the fact that the charge sheet has been filed and the applicant is in jail since 25.08.2016, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**