

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1077 of 2018**

- Dinesh Kumar Rao S/o Shri Chandrika Prasad Rao Aged About 44 Years R/o Geetanjali Enclave Flat No. 202, Om Residency, Ring Road No. 02, Police Station Civil Lines, Bilaspur Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Torwa Bilaspur Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

-- Respondent

For Petitioner	:	Shri PK Patel, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****13/04/2018**

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.323/2017 registered at Police Station Torwa, Bilaspur, District Bilaspur for the offence punishable under Section 409 of IPC.

3. Case of the prosecution is that the applicant committed criminal breach of trust as much as JCB machine which was entrusted by the complainant-Sangita Singh to the applicant, was taken away by the applicant to another place and sold.

4. Learned counsel for the applicant submitted that the allegations against the applicant are false and fabricated because the applicant never sold the JCB machine. It is submitted that the JCB machine was given to the applicant as he is involved in construction work and because of certain monetary dispute between the parties, allegations have been levelled against the applicant.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that looking to the material contained in the charge

sheet, it is prima facie made out that the JCB machine was given to the applicant on rent but he committed criminal breach of trust and sold it to third party.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation and other material circumstances obtaining from the records of the case and that the investigation is complete, charge sheet has been filed and that the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

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