

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2888 of 2018**

Umesh Patel, S/o. Anand Ram, Aged About 42 Years, Caste- Marar, R/o.- Village- Devarmal, Police Station- Urga, Tahsil- Korba, District- Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Incharge, Outpost- Urga, Police Station- Kotwali, Korba, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Atul Kesharwani, Advocate

For State/respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****28/05/2018**

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.485/2009, registered at Police Station – Kotwali, Out Post - Urga, District – Korba (C.G.), for the offence punishable under Section 406, 409, 420 of the Indian Penal Code.
2. As per the prosecution case, a report was made by one Sumant Kumar Patel alleging that the present applicant took the tractor and trolley on rent and thereafter he was missing, however, when the rent was not paid and the applicant tried to enquire about the applicant, he

was found missing. Thereafter, after 7 months, the tractor and trolley was found in abandoned condition and certain parts were found missing. Thereafter, the report was lodged.

3. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this. There is no evidence to show that the tractor and trolley was taken on rent and even, if the statement of the complainant is admitted that the tractor and trolley was taken on rent, the report was made after 9 months and no plausible explanation has been given. It is submitted that the applicant has been arrested on 08.04.2018 and no plausible evidence is present on record to show the involvement of the applicant in the aforesaid crime. Therefore, it is prayed that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. Perused the case diary and the statement of the complainant Sumant Kumar. Further considering the facts and circumstances of the case, the nature of evidence and the fact that the charge-sheet in this case has been filed and the applicant is in jail since 08.04.2018, this Court is of the opinion that present is a 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 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Balram