

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3616 of 2018**

Ballu Singh @ Dharmraj Singh Jaat S/o Raghuvir Jaat Aged About 37 Years R/o- Village- Jahri Sadar, District- Sonipat, Haryana, Presently Residing At Jadai, P.S.- City Kotwali, Mungeli, District- Mungeli, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, City Kotwali, Mungeli, District- Mungeli, Chhattisgarh.

---- Non-applicant

For Applicant:

Shri Ishwar Jaiswal, Advocate.

For State/Non-applicant:

Shri V. B. Singh, PL.

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****10.07.2018**

1. The applicant has filed this bail application under Section 439 of Code of Criminal Procedure, 1973 for grant of regular bail as he has been arrested on 23.04.2018 in connection with crime No. 174/2018 registered in Police Station City Kotwali, Mungeli (C.G.) for the offence punishable under Section 379 IPC for committing theft of vehicle (tractor) bearing engine No. 4100EL63K595770F16.
2. Case of the prosecution is that on 25.03.2018, the complainant- Shobharam Yadav has lodged a report before the police station City Kotwali, Mungeli, in which, it has been alleged that on 24.03.2018 the accused has committed theft of his vehicle bearing engine No. 4100EL63K595770F16 and took the same to the State of Haryana and thus the applicant has committed an offence punishable under Section 379 of IPC.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in connection with the said crime. He submits that a bare perusal of FIR would show that complainant's son Komal himself has handed over the said vehicle to the possession of Ballu Singh (applicant herein), therefore, it cannot be held that any offence as such has been committed by him.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel for the parties and perused the entire case dairy carefully.

6. Having considered the facts and circumstances of the case and without commenting anything at this stage, I am inclined to allow this application. The bail application is accordingly allowed.

7. It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned Magistrate for his appearance before it as and when directed, the applicant shall be released on bail.

Sd/-

(Sanjay Agrawal)
JUDGE