

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3617 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 Jadaï, 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. 172/2018 registered in Police Station City Kotwali, Mungeli(C.G.) for the offence punishable under Section 379 IPC for committing theft of vehicle (tractor) bearing its registration No. CG-25 E 6816.

2. Case of the prosecution is that, the complainant- Hiralal Sahu has lodged a written complaint before the police station City Kotwali, Mungeli, in which, it has been alleged that on between 02.04.2018 to 04.04.2018 the accused has committed theft of this vehicle i.e. Tractor Mahindra Arjun Nova bearing registration No. CG-25 E 6816 and based upon the said written complaint, the FIR has been registered against the applicant 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 the written complaint as lodged by the complainant Heeralal Sahu would show that he 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 and he should be enlarged on bail.

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 on the merits of the case, 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**