

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4772 of 2018**

Suresh Sahu S/o Shri Paras Ram Sahu Aged About 35 Years R/o-
Village- Mareda, Navagaon, Post- Dharamtara, District-
Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police
Station- Kurud, District- Dhamtari, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Om Prakash Sahu, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/08/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 241/2017 registered at Police Station Kurud, District Dhamtari, Chhattisgarh for the offence punishable under Sections 379, 120B, 467, 468, 471, 420, 401, 201 of Indian Penal Code.
2. The present applicant is in jail since 05.10.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant as per the case of the prosecution is that present applicant and the co-accused persons are all involved in the theft of tractors from the villagers and thereafter on the basis of fake and fraudulent documents used to sell those tractors with trolley to different villagers without disclosing the fact that it is a stolen property.

4. The counsel for the applicant submits that except for the memorandum statement of the co-accused persons against the present applicant being involved in the offence, there is no material, which the prosecution has collected during the course of investigation; neither is there any recovery made from the present applicant and thus prayed for the grant of bail.
5. The State counsel opposing the bail application submits that the present applicant was also a member of the gang, which was involved in the theft of tractors from the villages and selling it on the basis of the fraudulent and fake documents, thus does not deserve bail.
6. Having heard the contentions put forth on either side and on perusal of record, except for the memorandum statement of co-accused persons, there does not seem to be any other material available in the case diary, nor was any recovery or seizure made from the possession of the present applicant. Given the facts and circumstances of the case and also taking note of the period of custody undergone, this Court is of the opinion that prima facie a fit case has been made out for grant of bail to the applicant. Accordingly, the present application for grant of bail is allowed.
7. It is directed that the 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 Court for his appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge