

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C. No. 5667 of 2018**

Gangadhar @ Guddu S/o Late Indrajeet, aged about 30 years,
R/o village Sohali, Tahsil Martinganj, Fulpur, P.S. Bardah, District
Ajamgarh (U.P.).

---Applicant**Versus**

State of Chhattisgarh, Through - The S.H.O., Police Station,
Sitapur, District Surguja (C.G.).

---Respondent

For applicant	:	Shri Abhishek Singh, Advocate.
For resp./State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/10/2018**

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.130/2017 registered at Police Station Sitapur, District Surguja (C.G.) for the offence punishable under Sections 379, 411, 414/34 of IPC.
2. Present applicant is in jail since 27/07/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant and the other co-accused person is said to have stolen a Scorpio Car and thereafter given the said car by changing colour to one Ibrahim who was running a Garrage and thereafter the intention of the applicant was for selling the said property at a different location.
4. The counsel for the applicant submits that, the applicant has remained in jail for about 15 months and till date not a single witness has been examined before the Trial Court. He further submits that, the co-accused person against whom identical

allegations are made has already been granted bail by this Court in MCRC No. 3689/2018 vide order dated 18/06/2018 and thus prays for similar relief be granted to the present applicant also.

5. The State counsel however opposing the bail application submits that, the present applicant has also got a criminal track record in as much as apart from the present case, there are two more criminal case pending against him both for the offence of theft which show that the applicant is habitual of doing such offence and thus prayed for rejection of the bail application.

6. Considering the aforesaid facts and circumstances of the case, particularly the contentions put forth on either side what is relevant to take note of is the fact that the co-accused - Ibrahim was granted bail by this Court on 12/04/2018 in MCRC No. 995/2018 and further this Court had taken note of the fact that in spite of more than 1 year having passed, the prosecution has not been able to lead evidence of even a single witness.

7. The situation has not changed still according to the counsel for the applicant, he has instructions and states that till now, in spite of further 3 months have lapsed, no single witness has been examined and the applicant is languishing in jail for a period of about 15 months.

8. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

9. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/-. Considering the fact that the applicant is native of State of Uttar Pradesh, the

applicant shall furnish two local sureties while furnishing bail in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE