NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6972 of 2018

Chandrakumar Sahu S/o Maniram Sahu, aged about 43 years, R/o Street No.4, House No. 5-B, Sector-1, Bhilai, P.O.- Sector-I, Police Station- Bhatti, District- Durg (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through : Police Station- Supela, District- Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Shrawan Agrawal, Advocate
For Respondent	:	Mr. Bhaskar Payashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/10/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 712/2018 registered at Police Station- Supela, District- Durg (C.G.) for the offence punishable under Sections 406/34 of IPC.

2. As per prosecution story, complainant- Mohd. Imran lodged an FIR stating therein that his truck bearing registration No. CG07 AZ 6934 was financed by Magma Finance and for its operation and payment of monthly installment, an agreement dated 23/11/2016 has been prepared between Mazid Ali and him. As per agreement, remaining installment was to be paid by Majid Ali, who did not pay the installments and took the truck with him. The allegation against the present applicant is that he got executed the said agreement between

Majid Ali and the complainant. On the basis of said report, offence has been registered, the applicant has been taken into custody on 09/08/2018.

3. Learned counsel appearing on behalf of the applicant submits that there is nothing on record on the basis of which offence under Section 406/34 of IPC is made out against the present applicant. He further submits that the applicant is in custody since 09/08/2018, the main accused- Majid Ali has absconded and trial will take some time, therefore, this applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.

5. I have heard learned counsel for both the parties.

6. Considering the above facts and circumstances of the case, particularly considering that the applicant is in custody since 09/08/2018 and trial will likely to take some time, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
Judge
Arvind Singh Chandel

Rahul