

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No. 8558 of 2018

1. Kuleshwar Prasad @ Manglu Sahu S/o Bishauha Ram Sahu, aged about 24 years, R/o Bhurka Bhat, P.S. Suregaon, District Balod (C.G.).
2. Doman Nayak S/o Bhikham Singh, aged about 31 years, R/o Bhandar, Bhathapara, P.S. Devri, District Balod (C.G.).

---Applicants

**Versus**

State of Chhattisgarh, Through - District Magistrate, District Rajnandgaon (C.G.).

---Respondent

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|                 |   |                             |
|-----------------|---|-----------------------------|
| For applicants  | : | Shri A.C.Sahu, Advocate.    |
| For resp./State | : | Shri Syed Majid Ali, Dy.GA. |

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Hon'ble Shri Justice P. Sam KoshyOrder on Board03/12/2018

1. The applicants has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 214/2017 (wrongly mentioned 241/2018) registered at Police Station Lalbag, District Rajnandgaon (C.G.) for the offence punishable under Sections 379, 120-B, 420, 467, 468, 471, 401 & 201 of IPC.
2. Present applicants are in jail since 14/11/2017.
3. The case of the prosecution against the present applicants is that, the present applicants in connivance with the other accused person is said to have committed theft of Tractors and used to sell the said stolen Tractors to different persons in different villages by preparing fake documents.

4. The counsel for the applicants submits that, the present applicants have already remained in custody for a period of more than 1 year. He further submits that, except for the memorandum statement of accused, there does not appear to be any material which the prosecution has collected during the course of investigation. He further contended that, in an identically placed situation at a different police station, the present applicants were also made accused along with others and the co-accused in the said case Suresh Sahu has already been enlarged on bail by this Court vide MCRC No.4772/2018 d/on 10/08/2018 and thus prayed for releasing the applicants on bail.

5. The State counsel however opposing the bail application submits that, the applicants are a part of big racket and in the commission of organized crimes and thus prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking into account the nature of allegation, the material collected in the course of investigation and also taking note of the fact that no substantial piece of material could be extracted from the witnesses who have been examined till now so also considering the period of custody undergone this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicants.

7. Accordingly, the application for grant of bail is allowed. It is ordered that the applicants shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of

the concerned Trial Court. The applicants shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-  
(P. Sam Koshy)  
JUDGE