

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 8785 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, Chhattisgarh
2. Doman Nayak S/o Bhikham Singh, Aged About 31 Years, R/o Bhandar, Bhathapara, P.S. Devri, District Balod, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through District Magistrate, District Rajnandgaon,
Chhattisgarh

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate
For Respondent/State	:	Shri D. Wankhede, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****10/12/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 14.11.2017 in connection with Crime No. 134/2017 registered at Police Station - Somni, District Rajnandgaon, (CG) for the offence punishable under Section 379, 34 of IPC.

2. The case of the prosecution against the present applicants is that they in connivance with other accused persons are said to have been involved in theft of tractors and used to sell the same to different persons of different villages by preparing fake documents.
3. Counsel for the applicants submits that the applicants in similar crimes registered at different Police Station have already been enlarged on bail by this

Court vide order dated 03.12.2018 in MCRC Nos. 8571/2018 and 8558/2018.

He further submits that even otherwise, the applicants have already undergone custody of more than one year and the material witnesses who have been examined have not supported the case of the prosecution and turned hostile. Thus, prayed for the applicants to be released on bail.

4. State counsel, however, opposing the bail application submits that the applicants are involved in commission of organized crime where they commit theft of tractor from one village and sell the same by preparing fake documents to different persons of different village or city. Therefore, the applicants do not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of the record, particularly taking into consideration the period of custody already undergone and the fact that couple of material witnesses who have been examined have not supported the case of the prosecution and turned hostile and also taking note of the fact that the applicants have already been released on bail in similar crimes in which they have been made accused at different Police Station, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicants will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge