

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5526 of 2019**

- Ankur Makkad, S/o Harjeet Singh Makkad, aged about 31 Years, R/o- L-401, Bodhisatya A-Saket Apartment, Near Agrasen Chowk, Bilaspur, PS Civil Lines, Tahsil & Dist. Bilaspur(CG)

----- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Civil Lines, Bilaspur(CG)

----- Non Applicant

For the Applicant	:	Shri Rakesh Kumar Jha, Advocate
For Non Applicant	:	Shri Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.09.2019**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.131/2019 registered at Police Station- Civil Lines, Bilaspur, Civil and Revenue District- Bilaspur (C.G.) for the offence punishable under Sections 409 & 201 read with Section 34 of the Indian Penal Code(as per challan).
3. Case of the prosecution, in brief is that co-accused Rehan Ahamad Azami was the employee of Kotak Mahindra Bank Branch near KIMS, Hospital. Kotak Mahindra Bank had given loan to the complainants namely Cherkhu Ram and Bhagwan Singh to purchase tractor and

trolley. After some time, the co-accused had forcefully taken one tractor and trolley from the possession of the complainant Cherkhu Ram and one tractor from the possession of complainant Bhagwan Singh due to non-payment of remaining installments. The cost of two tractors and one trolley is Rs.14,49,000/-.

4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.
5. On the other hand, learned counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. In the memorandum of co-accused Rehan Ahamad Azami it has been mentioned that two tractors and trolley are kept in the farm of applicant by him. This is not admissible in evidence.
7. As per the statements of complainants Cherkhu Ram and Bhagwan Singh, applicant had come to take the amount of installment. As per the statement of complainant Cherkhu Ram he had given the installment amount of Rs.50,000/- to applicant. Applicant had also threatened him.
8. The role of applicant is totally different from the co-accused Rehan Ahamad Azami. There is no allegation against the applicant that he forcefully taken any tractor and trolley, 6th Additional Sessions Judge Bilaspur, overlooked this aspect.
9. Looking to the above mentioned facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, it is directed that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he be released on bail.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge