

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C. No. 9436 of 2018**

1. Temendra @ Golu Chandrakar S/o Late Rambharosa Chandrakar
Aged About 34 Years, R/o Village- Bhendra, Tahsil- Doundilohara,
Post Office And Police Station- Deori, District- Balod, Chhattisgarh
2. Kuleshwar @ Manglu Sahu S/o Bisouha Ram Sahu, Aged About 25
Years, R/o Bhurka Bhath, Tahsil- Doundilohara, Post Office And
Police Station- Saregaon, District- Balod, Chhattisgarh
3. Santosh Prasad Nishad S/o Late Rambachahan Nishad, Aged About
43 Years, R/o Khurshipar, Ward No. 31, Labour Colony, Post Office
And Police Station- Khursipar, Bhilai, District- Durg, Chhattisgarh
4. Meghnath @ Pawan Baya Mahar S/o Dina Singh Baya Mahar, Aged
About 28 Years, R/o Village- Tikari, Tahsil- Gundardehi, Post Office
And Police Station- Balod, District- Balod, Chhattisgarh
5. Rajendra @ Raja S/o Late Bachcha Prasad Singh, Aged About 48
Years, R/o New Khursipar, In- Front Of Jagir Chowk Handpump,
Ward No.-36, Bhilai, District- Durg, Chhattisgarh
6. Horilal Mandle S/o Chovaram Mandle, Aged About 37 Years, R/o
Village- Tikari, Post Office And Police Station- Arjunda, District-
Balod, Chhattisgarh
7. Doman Nayak S/o Bhikham Nayak, Aged About 31 Years, R/o
Village- Bhandera, Tahsil- Doundilohara, Post Office And Police
Station- Deori, District- Balod, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station- Kurud, District- Dhamtari, Chhattisgarh

---Respondent

For applicants	:	Shri Shivendu Pandya, Advocate.
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

11/01/2019

1. The applicants have preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No. 241/2017 registered at Police Station Kurud, District Dhamtari (C.G.) for the offence punishable under Sections 379, 120-B, 420, 467, 468, 471, 401 & 201 of IPC. Present applicants are in jail since 05/10/2017.
2. Counsel for the applicants at the outset prays that as of now he would not press the bail application so far as applicant no.1 namely Temendra @ Golu Chandrakar is concerned.
3. The case of the prosecution against the present applicants is that the applicants in connivance with other accused persons are said to have committed theft of Tractors and used to sell the stolen Tractors to different persons in different villages by preparing fake documents.
4. Counsel for the applicants submits that, the present applicants have already remained in custody for a period of more than 1 year. He submits that, except for the memorandum statement of main accused Temendra @ Golu Chandrakar, 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 on 10/08/2018. He further submits that applicants 2 & 7 who are also accused in a similar crime registered in a different Police Station have already been enlarged on bail vide MCRC No.8558/2018 decided on 03.12.2018. Thus prayed for releasing applicants 2 to 7 on bail.

5. State counsel, however, opposing the bail application submits that, the applicants are a part of big racket and in the commission of organized crimes. 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 and the fact that some of the applicants herein have also been granted bail in other crime number registered at different Police Station, this Court is of the opinion that, prima-facie, a strong case for grant of bail to the applicants 2 to 7 has been made out.

7. Accordingly, the application for grant of bail so far as applicants 2 to 7 are concerned is allowed. It is ordered that the applicants 2 to 7 shall be released on bail on their executing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Trial Court. The applicants 2 to 7 shall thereafter appear before the Trial Court on each and every date given by the said court.

8. So far as the application for grant of bail to applicant no.1 namely Temendra @ Golu Chandrakar is concerned, the same stands dismissed as not pressed.

Sd/-
(P. Sam Koshy)
JUDGE