

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9714 of 2018**

- Moh. Asif Gani S/o Moh. Usman Gani Aged About 38 Years R/o Takiyapara, Durg Tahsil and District Durg, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Supela, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Navin Shukla, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/01/2019

1. The Applicant has preferred this first bail application under Section 439 of 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 Section 406, 34 of the Indian Penal Code.
2. As per the prosecution story, Complainant Md. Imran lodged an FIR stating therein that his truck bearing registration No. CG-07-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 co-accused Mazid Ali and him. As per agreement, remaining installments was to be paid by the Majid Ali, who did not deposit the installments and took the truck with him. Allegations against the present Applicant is that he got executed the said agreement between Majid Ali and the Complainant. On the said background, offence has been registered against the present Applicant and has been taken into custody on 06.08.2018.

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 the IPC is made out against the present Applicant. He further submits that the other co-accused namely Chandrakumar Sahu has already been granted bail vide order dated 26/10/2018 passed in MCRC No. 6972 of 2018. Main accused namely Majid Ali has absconded. The present Applicant is in custody since 06/08/2018 and trial will take time. Therefore, he 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 the parties and perused the diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that co-accused Chandrakumar Sahu has already been granted bail, the present Applicant is in custody since 06/08/2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge