

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1737 of 2018

- Chandrakumar Agrawal, S/o Mr. Bhalaram Agrawal, Aged About 55, Years, R/o Village Paterapali, Tahsil-Saraipali, District-Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Saraipali, District – Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.
For Respondent : Mr. Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.454/2018 registered at Police Station-Saraipali, District-Mahasamund,(C.G.), for the offence punishable under Sections 406 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant had never hired the tractor of the complainant. On the contrary, the complainant himself has by an agreement with one Amjad Khan has handed over the possession of the tractor to him after taking some advance money. Documents have been filed to prove this statement which are Annexure-D1 along with photographs, hence, it is prayed that

application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged that this applicant hired the tractor of the complainant Vishram Bahira on monthly basis and thereafter he has misappropriated the tractor which is now not in his possession. Hence, this case.
6. After considering the material present in the case diary and also the documents filed by the applicant, I feel inclined to allow the application to this applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be

prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha