

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7383 of 2019**

- Gulabchand Sahu S/o Raghunath Sahu Aged About 38 Years R/o Purani Basti, Korba, Post - Korba, Police Station Pali, District Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Pali, Tahsil And District Korba Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Aditya Khare, Advocate
For Respondent-State	:-	Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board**17/01/2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 171/2019 registered at Police Station - Pali, Tahsil, District Korba (C.G.) for the offence punishable under Section 406 of the IPC.
- The prosecution story, in brief, is that the complainant who is the proprietor of Sanskar Bus Service. He had given the bus to the accused from

the month of January, 2018 till December, 2018 and From April, 2019 till July, 2019 with an agreement. On 07.06.2019 the complainant lodged a complaint at Pali police Station that bus driver and his co driver, the accused left from Bilaspur. On 14.06.2019 the complainant again made a written complaint that the bus was standing, which was taken on rent by accused, at the bus stand, Pali since last 15 days, and on inspecting the vehicle he came to know that the vehicle's gearbox is missing. Accordingly to the complainant the rent amount of Rs.2,80,000/- is pending from the accused. Based on this, offence has been registered. The present applicant has been taken into custody on 23.10.2019.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. She further submits that the evidence collected by the prosecution is also not *prima facie* sufficient to hold the applicants guilty of the aforesaid offence. Next submission is that as the applicant is in jail since 23.10.2019, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant may be released on bail.
- On the other hand State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties and perused the entire material available on record.

- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicant is in jail since 23.10.2019 and as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on their executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. Applicant is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit