

(2019) 02 CHH CK 0519

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 930 Of 2019

Suresh Kumar Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 27, 2019

Acts Referred:

- Indian Penal Code, 1860 - Section 34, 379

Hon'ble Judges: P. Sam Koshy, J

Bench: Single Bench

Advocate: S.S. Baghel, Rahul Mishra

Final Decision: Allowed

Judgement

P. Sam Koshy, J

1. This is first bail application seeking for grant of bail to the Applicant who is in jail since 14.11.2017 in connection with Crime No. 134 of 2017

registered at Police Station Somni, District Rajnandgaon, for the offence punishable under Sections 379, 34 of IPC.

2. The allegation against the applicant is that, the present applicant and the other accused persons are involved in the act of theft of Tractors and used

to sell these stolen Tractors to different persons in different villages by preparing fake documents.

3. The counsel for the applicant submits that the present applicant has remained in custody for a period of more than 15 months and there is no seizure

made from the applicant. The applicant has falsely been implicated in the case only on the basis of memorandum statement of the co-accused. He

further submits that the present applicant also has been made an accused person in crime No.326/2017 registered at same Police Station i.e. Lalbag

and where this court had already vide order dated 07.02.2019 in MCRC No.926 of 2019 granted bail to the present applicant, and therefore, the

applicant be released on bail in the present case also.

4. The State counsel opposing the bail application submits that since the applicant is a part of big racket involved in the commission of organized crime

of stealing Tractors and selling it to different persons by preparing fake documents, the applicant does not deserve bail.

5. Taking into consideration the nature of allegations, the material collected during the course of investigation, the period of custody undergone and

also the fact that the applicant has already been enlarged in a couple of identical cases registered at other police stations for similar offence, this court

is of the opinion that a strong case is made out for grant of bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond

for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.