

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr.C No. 7081 of 2015

Aarif Khan S/o. Late Rahim Khan, aged about 34 years, R/o. Mamta Nagar, P.S. Basantpur, District Rajnandgaon, At present Aakil Khan, House Kelabadi, Durg, Police Station and District Durg (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Saraypali, District- Mahasamund (C.G.)

---- Respondent

For Applicant	:-	Mr. Ayay Ayachi, Advocate
For Respondent/ State	:-	Mr. Ramakant Mishra Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 492/2015 registered at Police Station- Bemetara, District – Bemetara (C.G.) for the offence punishable under Sections 420,467,468,471,120B, 413/34 of IPC.
2. As per the prosecution case, in brief, Sushil Sahu, the complainant, who was the sales manager of Arun Agriculture Company, made a report that he financed a tractor to Nikhil Vaishnav, however, repayment of loan was not made, therefore, when it was enquired it was found that Nikhil Vaishnav has sold

out the financed tractor by changing engine chechis number. As per prosecution this applicant with the help of Anil Shrivass and Aarif Khan has changed the number of vehicle and therefore, sold out.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that neither any seizure has been made nor any evidence is existing against him. He further submits that only on the basis of suspicion he has been inculpated in this case. He further submits that the charge-sheet has been filed and the applicant is in jail since 01.09.2015; therefore, he may be enlarged on bail.
4. Learned State counsel opposes the prayer for grant of bail and he would refer to the memorandum and submits that this applicant with the help of Anil Shrivass and Aarif Khan changed the vehicle number so as to sale the same, which shows that the case of the prosecution has been established, therefore, the present applicant should not be released on bail.
5. Perused the statement of the witness and the memorandum. Perusal of the statement and the memorandum would show that the applicant is in the helm of repetition of the crime like nature. Considering the evidence against the applicant and the nature of involvement in the repetition of crime, I am not inclined to enlarge the applicant on bail
6. Accordingly, the bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge