

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7077 of 2015

Aejaj Khan @ Aju, S/o Mohd. Akram, Aged About 35 Years, R/o Sector 6,
Near Galib Memorial School, Bhilai, Police Station Bhilai Nagar, Tahsil &
Distt. Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, P.S. Bemetara,
Distt. Bemetara, Chhattisgarh

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate

For Respondent : 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.491/2015 (wrongly mentioned as 429/2015 in the rejection order), registered at Police Station–Bemetara, District Bemetara (C.G.) for the offence punishable under Section 379, 420, 467, 468, 471, 120(B), 413/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was lodged by one Goutam Kumar Sonkar that he has purchased a vehicle which was found to be stolen vehicle and thereafter on enquiry it was found that the applicant alongwith other co-accused namely Anil Shrivastava, Habib, Rafiq and Abhishek have committed theft of the vehicle by forming a gang.
3. Learned counsel for the applicant submits that the applicant deals with the business of sale of vehicles in the name of Aju Automobiles and the vehicle and its documents were brought by Anil Shrivastava and he believed the documents to be true find out the

purchaser and immediately when he came to know that the documents brought by Anil Shrivastava were forged, a report was made to the Superintendent of Police, Durg, explaining his stand in the month of July, 2015. Therefore, taking into the role played by this applicant, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that the applicant alongwith other co-accused formed a gang and thereafter sold the stolen vehicle.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of Harsh Maheshwari wherein the primary allegations are against other co-accused Anil Shrivastava that he prepared the forged documents. Taking into the nature and degree of allegation against this applicant and considering the fact that the charge sheet has been filed and the applicant is in jail since 15.09.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge