

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7079 of 2015

Aarif Khan, S/o Late Rahim Khan, Aged About 34 Years, R/o Mamta Nagar, P.S. Basantpur, Distt. Rajnandgaon, At Present Aakil Khan House Kelabadi, Durg, P.S. & Distt. Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer Bemetara, Distt. Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Ayachi, 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.490/2015, registered at Police Station– Bemetara, District Bemetara (C.G.) for the offence punishable under Section 420, 413, 120-B, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on a report made by one Sarika Thakur that she obtained some amount from the applicant on loan and some documents were signed but the same were used to get finance of the Car from Shri Ram Finance and subsequently when the loan was defaulted, a notice came and the finance company followed the recovery, thereafter, the complainant came to know that the forged loan was obtained.
3. Learned counsel for the applicant submits that the complainant was in need of money and therefore with her knowledge the vehicle was got financed from Shri Ram Finance and after finance the vehicle

was got shown to the complainant. He further submits that the charge sheet in this case has been filed and according to the statement of Jogendar Singh and Pramod Sahu, the complainant came herself for finance of the vehicle; therefore, no offence has been committed by the applicant.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of Sarita Thakur, Jogendar Singh & Pramod Sahu and having considered the same wherein it is stated that after finance the Car was shown to the complainant and thereafter was taken away. So considering such statement, without any observation on merit, considering the fact that the charge sheet has been filed and considering the degree of allegations against this applicant and the fact that he is in jail since 01.09.2015, 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