

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 311 of 2016

Habib Miyan @ Bhopali S/o. Ajeej Miyan, aged about 33 years, Resident of Subhash Ground, Raja Chowk, In front of Mosque, Hanuman Tal, Police Station- Hanumal Tal, District Jabalpur (M.P.)

---- Applicant

Versus

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

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate
For Respondent : Mr. Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/01/2016

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. 493/2015, registered at Police Station– Bemetara, District – Bemetara (C.G.) for the offence punishable under Sections 379, 420, 467, 468, 471, 120-B, 413, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the applicant involved in the commission of crime of theft of vehicle. After the vehicle was being stolen from the other States, the stolen vehicle was given to Anish Shrivastava by the applicant who used to change the chassis number of the vehicle and subsequently with the help of the other co-accused persons the applicant prepared forged document of R.T.O. and sold to the different purchasers. Consequently, in the instant case the

complainant Harish Maheshwari was purchased a vehicle bearing registration No. C.G. 09 B 1583 from the applicant. Thereafter, the complainant has lodged the report against the applicant for the offence punishable under Sections 379, 420, 467, 468, 471, 120-B, 413, 34 of Indian Penal Code.

3. Counsel for the applicant submit that the applicant has been falsely implicated in this case. She further submits that though the vehicle has been seized but who was the owner of the seized vehicle it is not disclosed by the prosecution. She further submits that whether the alleged vehicle was seized which was stolen has not made clear by the prosecution. She further submits that only on the basis of memorandum statement of Anish Shrivastava, the applicant has been inculpated in the case. She further submits that the applicant is in jail since 01.09.2015 therefore, he may be enlarged on bail.
4. Per contra, State counsel opposes the prayer for grant of bail.
5. Perusal of the case diary, statement of the complainant and the documents, prima-facie, it shows that different vehicles were stolen from the other States, thereafter, were brought to the State of Chhattisgarh and after changing of chassis number by preparing forged document of RTO they were being sold to the different purchasers. Considering the role played by this applicant and the way of offence has been committed by this applicant, I am not inclined to allow the bail application of this applicant.
6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge