

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6798 of 2015

Mohd. Gulfam S/o. Gulhasan, Aged About 22 Years, R/o Village Rattupur, (wrongly mentioned as Rattpur) Police Station Kandhai, Tahsil and District Pratapgarh (Uttar Pradesh)

---- Applicant

Versus

The State of Chhattisgarh Through Station House Officer, Police Station Chhawani, Bhilai, District Durg (C.G.)

---- Respondent

For Applicant	:-	Mr. D.K. Vishwakarma, Advocate
For Respondent/ State	:-	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

05/01/2016

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. 412/2014 registered at Police Station- Chhawani, Bhilai, District Durg (C.G.) for the offence punishable under Sections 379 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by one Amit Choudhary alleging that the Bolero vehicle belonging to his father bearing registration no. C.G.07-C.A./2817 was stolen. Subsequently, the matter was investigated and the CID Mumbai has arrested this present applicant where-from according to the prosecution, the applicant along with other co-accused have stolen 21 four wheeler vehicle from different States. The applicant

was a member of interstate of theft gang of and the vehicles were stolen from different States and thereafter fake members were shown which ultimately was identified on the basis of its chechis numbers and seized.

3. Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that at the relevant time when the report was made in August 2014, the applicant was out of India and came back in November, 2014 since alleged offence is said to have been committed in the month of August 2014; false accusation has been made; therefore, he may be enlarged on bail.
4. Learned State opposes the prayer for grant of bail and submits that there are total 8 accused persons involved in the interstate theft of vehicle and after investigation, CID Mumbai Police has seized the vehicle and the relevant vehicle was also seized from their possession; therefore, the applicant may not be enlarged on bail.
5. Perused the case diary and the documents. Perusal of the case diary and the statement would show that the applicant was the part of the interstate gang and prima-facie evidence is available that he was part of paras of team who have stolen different vehicles which was later seized. Considering the nature of allegation and the fact that the applicant was involved in the interstate theft of vehicle crime and the fact that the other co-accused are still at large. Considering the totality of the facts and circumstances of the case, this Court is of the opinion, that present is not a fit case, in which, the applicant should be enlarged on regular bail.

6. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Santosh