

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3637 of 2016

Mohd. Aarif Khan, S/o Shri Rahim Khan, Aged About 34 Years, R/o. Mamta Nagar, P.S. City Kotwali, Rajnandgaon, Distt. Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Distt. Magistrate Bemetara Chhattisgarh.

---- Respondent

For applicant - Shri P.K.C. Tiwari, Sr. Advocate with Shri Devesh Kela, Advocate.

For Respondent/State – Shri Satish Gupta, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.571/2015 registered in Police Station Bemetara Distt. Bemetara (C.G.) for offence punishable under section 420, 413/34 of Indian Penal Code, 1860.
2. As per the prosecution case, the applicant alongwith one Arun Kumar Sharma came to complainant Dhanraju and expressed their desire to sell car bearing registration No.C.G. 08-5282 and it was sold for Rs.2,10,000/- and car was taken into possession. Subsequently, the applicant and Arun Kumar Sharma came to the complainant and gave registration book and the sale letter and when applicant was further arrested, the complainant enquired into the matter and it was found that the car which was sold to the complainant was financed with the bank and without repayment same was sold.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as the sale was made by Arun Kumar

Sharma who was owner and if the amount of finance was not paid it would amount to civil liability and no offence can be attributed to this applicant, therefore the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that as against applicant three more cases of similar nature are registered as he was in business of sale of stolen car, therefore considering the background he may not be released on bail.

5. Perused the case diary and the documents. Case diary documents shows memorandum of the applicant wherein number of cars were found which was stolen and which was sold. Considering the involvement of the applicant in similar like nature of cases and number of car which were stolen and have been recovered at the instance of the applicant and also considering the background, history and past antecedents of the applicant, this court is not inclined to release the applicant on bail.

6. Accordingly, the bail application is dismissed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE