

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2032 of 2016

1. Ravi Tiwari, S/o. Baidhnath Tiwari, aged about 23 years, R/o. Village-Sakri, District-Bilaspur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant : Ms. Pritha Ghoshal, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.735/2015, registered at Police Station – Kotwali, District-Raigarh (C.G.) for the offence punishable under Section 406, 420, 467, 468, 471/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that the complainant Mattulal had given a Scorpio vehicle bearing No.CG-13C-1939 to the applicant on rent and one Pushpa Jaiswal, wife of Mattu Lal had also given the vehicle bearing No.C.G.-13UD-9127 on rent to the applicant. Subsequently, the rent was not paid and the vehicle C.G.-13UD-9127 was sold to Gangaram, and the vehicle CG.-13C-1939 was not returned by the applicant, therefore, a report was made.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. It is further submitted that the vehicle

bearing No.C.G-13C-1939 was in fact purchased by applicant and it was mortgaged and in the mortgage deed such facts were shown about purchase and non-transfer of name of registration. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 16.12.2015, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement and document collected. Considering the facts and evidence of case and further perusal of the memorandum would show that another vehicle bearing No.C.G-13UD-9127 was sold at West Bengal and still the vehicle is to be recovered. Taking into such fact, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge