

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3764 of 2016

Aarif Khan, S/o. Shri Rahim Khan, Aged About 34 Years, R/o. Mamta Nagar, Gali No.6, Rajnandgaon, District Rajnandgaon, Chhattisgarh. Presently Resided At Kelabadi, P.S. City Kotwali, Durg, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Kabeerdham, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kripesh G. Kela, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02.08.2016

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.455/2014 registered at Police Station- Kawardha, District Kabeerdham (C.G.) for the offence punishable under Section 420, 406, 120-B of I.P.C.
2. As per the prosecution case, the applicant alongwith Anil Shrivastava has sold one Tractor to one Ajay Singh and infact the Tractor was initially obtained from the Agency of Prafull Gupta. Thereafter, it was given to one Anil Shrivastava who was also involved in the theft of the vehicle and subsequent sale was made by the present applicant to Ajay Singh. Initially the charge sheet was filed against Raju, Ramdayal, Tiju or Rajendra Verma who are the co-accused which was decided on 30.07.2015. Subsequently, an additional chalan was filed on 14.03.2016 against Anil Shrivastava and Aarif Khan. In the

earlier case, all the accused were convicted, thereby, the applicant in connivance with the other co-accused has taken the Tractor and sold it.

3. Learned counsel for the applicant would submit that the seizure witness in this case have not supported the case of the prosecution and this fact has not been proved that the applicant has stolen the vehicle and therefore he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the applicant alongwith one Anil Shrivastava has committed similar kind of offence and as many as 27 vehicles were stolen from the different States and they are the part of the racket which is being operated for inter-state sale of the vehicles and all the vehicles were stolen.
5. Perused the case diary, documents and statement of Ajay Singh as also the memorandum of the applicant, which shows that similar like nature of cases are registered against the applicant. Taking into such fact and considering the past background and the evidence available in this case, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge