

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4700 of 2016

- Mohammad Arif Memon S/o Abdul Sattar Memon Aged About 33 Years R/o Purani Basti, Police Station Manikpur, District Korba, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh Through Police Station Kotwali, Chowki Manikpur, District Korba, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Manoj Paranjpe alongwith Vikram Dixit, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 202/2016 registered at P.S. Kotwali, Chowki Manikpur, Distt. Korba (C.G) for the offence punishable under Sections 420, 406 read with Section 34 of IPC.
2. As per the prosecution case, a report was made by one Abhishek Singh that on 03.11.2015 when the complainant wanted to sell his Mahindra Vehicle, he came in contact with one Mohd. Anis who took the vehicle and thereafter sold it and the consideration was not paid. Subsequently, when the investigation was made, it was revealed that Mohd Anis alongwith other co-accused have committed like nature of offences and as many as 7 cars were sold after taking the delivery of the same.
3. Learned counsel for the applicant would submit that the main allegations have been attributed to Mohd. Anis as he

was named in FIR and on the memorandum of Mohd. Anis, this applicant has been inculpated. He further submits that on the date of agreement, the vehicle was sold to one Shiv Narayan Choudhary and therefore, the applicant has been falsely implicated.

4. Per contra, learned State Counsel opposes the bail and would submit that the bail application of other accused Mohd. Anish has been rejected by this Court in M.Cr.C.No.3558 of 2016 vide order dated 12.07.2016.
5. Perused the memorandum of Mohd. Anis which shows that the present applicant Mohd. Arif Memon and one Govind Singh have executed the offence. Also perused the memorandum statement of present applicant which shows that similar nature of offences stand registered against the applicant and other accused as the applicant has taken away different cars numbering into 7 and sold it to different purchasers which were subsequently recovered from purchasers.
6. Considering the background of the case and the evidence available as also the fact that the bail application of other accused has been rejected by this Court in M.Cr.C. No. 3558 of 2016, I am not inclined to allow this bail petition. Accordingly, it is rejected.

Sd/-
GOUTAM BHADURI
JUDGE