

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3323 of 2017

- Mangaldeep @ Mangla S/o Uttam Kumar, Aged About 20 Years, R/o Village & Post- Khaga, Police Station - Palajori, District- Devghar, Jharkhand
- Sanjay Rajwar, W/o Dhaneshwar Mohto, Aged About 30 Years, R/o Saldaha, Police Station- Palajori, District- Devghar, Jharghar

---- Applicants

Versus

- State Of Chhattisgarh through the Station House Officer, Police Station - Amanaka, Raipur, District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Devershi Thakur, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.184/2016 on 18-11-2016 by P.S. Amanaka, Raipur, District- Raipur, C.G. for the offence under Section 420, 34 of the IPC. After investigation police had filed the charge sheet which is pending before the JMFC Raipur, C.G. as Criminal Case No.24044/2016. Learned counsel for the applicants would submit that they are authorized to sell sim but presently they have not filed any document showing any authorization in the matter to sell the sim and other business. They were running mobile shop; and the complainant turned hostile, not supported the case of prosecution, it goes to show there there is no matter against the applicant after the non-support of the applicant in the trial Court. Police had seized the entire documents from them. They may be granted bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicants on the basis of the memorandum and submitted that there is no authorization to conduct the said business.

4. Perused the entire material.

5. The applicants are in illegal possession of 10 number of ATM cards, 74 sim, they have not shown any legal authorization for the custody of said ATM cards and sim. As the ATM cards are non-transferable, simply by not support by the complainant, the entire act committed and the offence committed may not be washed off.

6. On due consideration, looking to the entire facts, the applicants are not residents of Raipur, they failed to demonstrate any legal permission, authorization to run any shop including possession of 74 sim received by them from any of the companies to sell and as they failed to explain the authority by which 10 ATM cards seized from the applicants were possessed, I am not inclined to grant bail to the applicants. Consequently, the instant MCRC is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE