

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4449 of 2017

Ajimuddin Qureshi, S/o. Riyajuddin Qureshi, aged about 32 years, R/o. Kali Nagar Pandri, District – Raipur (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station - Chakarbhata, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Indira Tripathi, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/10/2017

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 on 08.05.2017, in connection with Crime No.181/2017, registered at Police Station – Chakarbhata, District – Bilaspur (C.G.) for the offence punishable under Section 379, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The registered owner of the truck bearing No.C.G.-2C-1094 was complainant -Kanhaiya Singh. The said truck was sold by the complainant – Kanhaiya Singh to the applicant on 05.05.2017 for which an agreement was executed between the applicant and the complainant. It was on this basis, the applicant was in possession of the said truck.

This fact has been totally omitted in the statement of the complainant before the police. The applicant is scrap merchant, the co-accused in this case has been enlarged on bail by the trial Court itself, hence prayed that the applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Agreement dated 05.05.2017 is part of the charge-sheet, which conforms to the argument submitted on behalf of the applicant. Considering the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge