

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6403 of 2017**

Habib Miyan S/o Ajeet Miyan, Aged About 34 Years R/o Subhash Ground, Raja Chowk In Front Of Mosque, Hanuman Tal, P.S. Hanuman Tal, District Jabalpur (M.P.)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bemetara, District Bemetara, Chhattisgarh

---- Respondent

For applicant - Shri Aman Kesharwani, Advocate.
For Respondent/State –Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

01/11/2017

1. This is the third bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 29/01/2016 vide M.Cr.C. No.330/2016 and second bail application was dismissed on 20/12/2016 vide M.Cr.C. No.7584 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.491/2015 registered in Police Station Bemetara, District Bemetara (C.G.) for offence punishable under sections 379, 413, 420, 467, 468, 471, 120B read with section 34 of IPC.
3. Case of the prosecution, in brief, is that the applicant involved in the commission of crime of theft of vehicle. After the vehicle was being stolen from the other States, the stolen vehicle was given to Anish Shrivastava by the applicant who used to change the chassis number of the vehicle and subsequently with the help of other co-accused persons the applicant prepared forged document of RTO, and sold to different purchasers. Consequently, in the instant case the complainant Gautam Kumar Sonkar has purchased the vehicle bearing registration No.CG 09 B 1584 from the

applicant, thereafter the complainant has lodged report against the applicant for the offence under sections 379, 413, 420, 467, 468, 471, 120B read with section 34 of IPC.

4. Learned counsel for the applicant submits that one of the co-accused Haidar Ali @ Sonu Shah has been enlarged on bail by Hon'ble Supreme Court by an order dated 31st July, 2017 passed in Criminal Appeal Nos.1293, 1295 & 1294 of 2017. He submits that taking into period of detention, the applicant is in jail since 1/09/2015 and his case is similar to that of the co-accused who has been enlarged on bail by the Supreme Court. Taking into pre-trial detention, applicant may be released on bail.

5. Learned State counsel do not dispute the fact that Haidar Ali @ Sonu Shah who has been enlarged on bail by Hon'ble Supreme Court is also one of the co-accused.

6. Perused the order dated 31st July, 2017 passed by the Hon'ble Supreme Court in Criminal Appeal Nos.1293, 1295 & 1294 of 2017 wherein considering the detention period of the other co-accused he has been enlarged on bail. Taking into fact that the applicant is lodged in jail since 1/09/2015, considering the period of detention, charge sheet has been filed long back and trial is going on, this court is inclined to release the applicant on bail.

7. Accordingly, the third bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE

