

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7480 of 2017**

- Mohd. Aarif Khan S/o Late Rahim Khan, Aged About 34 Years R/o Mamta Nagar, P. S. City Kotwali, Rajnandgaon, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer Police Station Bemetara, District Bemetara Chhattisgarh

---- Respondent

For Applicant	:	Ms. Sharmila Singhai, Advocate
For Respondent-State	:	Shri Ashish Shukla, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****15/12/2017**

1. This is Second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant in connection with Crime No. 774 of 2015 (wrongly mentioned in order sheet as 774/2016) registered at Police Station Bemetara, District Bemetara (CG) for the offence punishable under Sections 379, 420, 467, 468, 471, 120-B and 413 of the IPC.
2. As per case of the prosecution, the applicant along with one Anil Shrivastava went to Anil Verma and negotiated for sale of JCB vehicle for Rs.20 lakhs. When the agreement of sale was negotiated, initially an amount of Rs.8.50 lakhs was paid and subsequently Rs.7 lakhs was paid and the applicant further collected Rs.2 lakhs from the purchaser Anil Verma, thereafter it was found that the said vehicle was not owned by the present applicant and it

was a stolen vehicle. After changing the chassis number with the help of co-accused Anil Shrivastava, the said vehicle was sold to the purchaser. On investigation, it further reveals that the applicant was involved in theft of interstate vehicle which was being stolen from other State, the same was sold to purchaser and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant would submit that another co-accused Nikhil Vaishnav has been enlarged on bail by the Co-ordinate Bench in M.Cr.C. No.2357/2016 vide order dated 19.05.2016 and the present applicant is also in jail since 26.12.2015 and the bail was granted to the other co-accused on the ground of pretrial detention and the case of the present applicant is similar to that co-accused, therefore, he may also be enlarged on bail.
4. State counsel do not dispute the fact that the other co-accused Nikhil Vaishnav has been enlarged on bail on 19.05.2016 by the co-ordinate Bench of this Court.
5. Considering the fact that the co-accused has been enlarged on bail by the co-ordinate Bench, I am inclined to release the applicant on bail.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri

Judge

Ashu