

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 239 of 2018**

Rashid S/o Abdul Hafiz, Aged About 37 Years R/o Jagdishpur, P. S.
Fulpur, District Ajamgarh, Uttar Pradesh

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Seetapur District
Surguja, Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Sunil Tripathi, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28/03/2018**

1. This is an application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 130/2017 registered at Police Station Seetapur, District Surguja, Chhattisgarh for the offence punishable under Sections 379, 411, 414/34 of Indian Penal Code.
2. The present applicant is in jail since 27.07.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicant is that the present applicant along with the other accused persons is said to have stolen a Scorpio Jeep from Sitapur, district Surguja and is said to have thereafter taken the vehicle to one Ibrahim Garage, where they intended to change the colour so that it can be further sold to other person for profit.
4. The contention of the counsel for the applicant is that the present applicant is a worker at the Ibrahim Garage and that he is not the person, who is the main accused and the present applicant only has

been implicated on account of his being a worker at the Ibrahim Garage and he further submits that no recovery has been made from his possession and the recovery that has been made is from Ibrahim Garage.

5. The State counsel however opposing the bail application submits that it is a case where the recovery of the Scorpio vehicle was made at the instance of the present applicant as it was on the memorandum statement of the present applicant the vehicle was recovered wherein he has said that he has given the vehicle at the Ibrahim Garage for repairing and therefore, vehicle since having being seized at the instance of the present applicant, he does not deserve to be released on bail.
6. Considering the total facts and circumstances of the case, particularly taking into account the nature of the offence and the manner in which it has been committed and also the fact that the vehicle being recovered at the instance of the present applicant and the memorandum statement, this Court is of the opinion that it is not a fit case for grant of bail at this juncture, the same therefore deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge