

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.A. No. 77 of 2018**

Sajid Khan, S/o Abdul Rahman Khan, Aged about 22 years, R/o Village – Pendri, Police Station Bhatapara (Rural), Tahsil Bhatapara, District Baloda Bazar – Bhatapara (C.G.) At present residing at Village Tarenga Road, Near Petrol Pump, Bhatapara, Tahsil – Bhatapara, District Baloda Bazar – Bhatapara (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Bhatapara (Town), District Baloda Bazar – Bhatapara (C.G.)

---- Non-applicant

For Applicant	:	Mr. Prakash Mishra, Advocate.
For Non-applicant/State	:	Mr. Anand Dadariya, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****02/04/18**

1. The applicant has filed this application under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail apprehending his arrest in connection with Crime No.158/2017, registered at Police Station Bhatapara (Town), District Baloda Bazar - Bhatapara (C.G.) for the offence punishable under Section 407 of the I.P.C.
2. Case of the prosecution in brief is that the applicant took the vehicle owned by the complainant did not return the same and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence, he has been falsely implicated in crime in

question. The said vehicle was recovered on 03-03-2017 whereas FIR was lodged on 15-05-2017, as such delay in lodging the FIR has not been explained and the applicant was driver of the said vehicle, therefore, he may be granted anticipatory bail.

4. On the other hand, learned counsel for the State while opposing the bail application would submit that the applicant took the vehicle but did not return the same and got the vehicle damaged.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, further taking into consideration the nature and gravity of the offence, and role of the applicant, I do not consider it a fit case for grant of anticipatory bail to the applicant. Accordingly, the bail application is rejected.

Sd/-
(Sanjay K. Agrawal)
Judge