

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 995 of 2018

- Ibrahim S/o Harun Aged About 30 Years R/o Village Chamava Phulpur, Kotwali, District Azamgarh (U.P.), District : Azamgarh, Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Sitapur District Sarguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the applicant : Shri Ishwar Jaiswal, Advocate

For the Respondent/State : Shri Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12.04.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 260/2017, registered at Police Station – Sitapur, District – Sarguja, (C.G), for the offence under Section 379, 411, 414/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The present applicant works in the garage of his father. The vehicle Bearing No. C.G 04 H A – 7833 was brought to the garage for denting and painting, and it was at that time the vehicle was seized from the possession of the

present applicant. This applicant is not the recipient of the stolen property, hence, no case is made out against him, therefore, it is prayed that he may be released on bail.

3. Learned counsel for the State opposes the bail application and the submission made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. On 30.06.2017 the Complainant - (Vishnu Gupta) lodged FIR before the PS- Sitapur, alleging that his Mahindra Scorpio Bearing Registration No. C.G 04 H A – 7833 was stolen by some unknown person. On the basis of the complaint police registered the offence and investigated the matter and during the investigation the vehicle has been recovered and seized from this applicant. Hence, this case.
6. As per the memorandum statement given by the co-accused persons the vehicle was brought to the garage of this applicant for the purpose of denting and painting, apart from that there is no other evidence against this applicant.
7. Considering the submissions made and contents of the case diary and further looking to the evidence that is proposed against this applicant to prove this case against him, this Court is of the opinion that this is a fit case where the applicant should be enlarged on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd /-
(Rajendra Chandra Singh Samant)
Judge