NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1560 of 2018

Tejwant Singh S/o Late Kalyan Singh, Aged About 30 Years R/o Padum Nagar, Bhilai-3, Police Station Bhilai-3, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Anda, District Durg, Chhattisgarh

----Non-applicant

For Applicant	:	Mr. Rajeev Shrivastava, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

C.A.V. Order

Delivered on 09/04/2018

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. 61/2017 registered at Police Station Anda, District Durg, Chhattisgarh for the offence punishable under Sections 379, 120-B, 467, 468, 471, 420, 411, 201 of Indian Penal Code.

2. The present applicant is in jail since 05.10.2017 in connection with the aforesaid Crime number.

3. The allegation against the present applicant as per the prosecution case is that, the present applicant in connivance with the co-accused persons who were involved in the stealing of four wheeler vehicles within the State of Chhattisgarh and taking these vehicles outside the State of Chhattisgarh to the State of Madhya Pradesh and selling them to different persons in the rural areas. For the purpose of selling these vehicles the present applicant used to provide fake fraudulent documents pertaining to the vehicles including R.C. Book and Insurance Policies on the basis of which the sale was done.

4. The counsel for the applicant submits that the present applicant is not involved in the stealing or robbing of the four wheeler vehicles. The only allegation against the petitioner was that he was the person who used to prepare fake R.C. Book and other documents pertaining to the vehicles on the basis of which the sale was effected to villagers in the rural areas. Apart from the allegation of assisting the other accused persons by preparing fraudulent documents, the applicant as such is not involved in the stealing/robbing in any manner. He further submits that plain reading of the contents of the case diary itself would reveal that all the cases have been prepared by the police authorities sitting in the police station itself and have not infact gone to the place of incident or have investigated it in any manner. He further submits that the fact that the police authorities had not conducted a proper investigation would stand established from different entries that are made in the case diary.

5. The counsel for the petitioner drawing attention of this Court to the documents in the case diary, he submits that taking into consideration the memorandum statement of the co-accused persons and the time and place where the memorandum statement was recorded and thereafter the time and place at which the stolen vehicle is recovered it would be clearly established that the police authorities had not moved out of police station for the purpose of seizure of the vehicle and the entire documents and its contents is doubtful. According to the counsel for the petitioner, it is practically impossible for a person to reach District Balaghat i.e. the place from where the stolen vehicle was recovered from the place where the memorandum statement were recorded within so short a time and thus the entire proceedings

drawn by the police authorities becomes doubtful. He further submits that even otherwise the allegation against the applicant is only that of preparation of fake documents and that the applicant was not in any manner involved in the Act of stealing. He further submits that even otherwise the identity of the present applicant also is doubtful for the reason that, in their memorandum statement, each of the co-accused persons have only made reference of one Tinku Sardar whereas the name of the present applicant is Tejwant Singh which also gives rise to a great element of doubt in the prosecution story so far as the applicant is concerned and thus he prayed for releasing the applicant on bail.

6. The State counsel opposing the bail referring to the role played by each of the accused submits that the gravity of the offence in itself could be visualized. According to the State counsel, the applicant was not only involved in the commission of offence but also has a active role played by him in as much as, it was the present applicant who was instrumental in preparing fake documents required for the selling of stolen vehicles to different persons. According to the State counsel, from the possession of the present applicant, the recovery made was that of a photocopy machine, couple of blank registration books which were used for the sale of stolen property, paper for preparation of fake R.C. Book and also fake Insurance Policies, coupled with the recovery of large number of seal (rubber stamp) belonging to 18 different Regional Transport Offices in the State of Chhattisgarh and the State counsel he thus prayed for rejection of the bail application.

7. Having heard the contention put forth on either side and on perusal of record what is undisputed is the fact that the petitioner stood

implicated in a criminal case only on account of the memorandum statement of the main accused person. Though the applicant may not have been directly involved in the stealing of four wheeler vehicles, but his involvement from the recovery of materials used in the preparation of fake documents which was used for sale and other purposes, the recovery made at the instance of the present applicant would be incriminating material.

8. Though the applicant may not have been directly involved in the stealing of the four wheeler vehicles, but his participation in the commission of the offence in as much as helping the main accused in preparing fake documents for each of the stolen vehicles to facilitate the main accused person to sell the properties to different purposes coupled with incriminating materials recovered from the possession of the present applicant i.e. the Laptops and the contents therein, the blank R.C. books and also fake insurance policy papers and a large number of seals of different Regional Transport Offices go against the applicant.

9. All the aforesaid facts and circumstances and the materials collected during investigation prima-facie establishes strong role played by the applicant also in the commission of the offence and for all these reasons this Court does not find it to be a fit case for grant of bail to the applicant at this juncture.

10. The bail application therefore deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved