

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3553 of 2018**

- Raghunath Mishra, S/o Lt. Shri Awadhesh Kumar Mishra, aged about 46 years, R/o 119/A, Maitri Bihar, Radhika nagar, Near Ekta Park, P.S. Supela, Distt. Durga (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through : the District Magistrate, Durga, District Durga (C.G.)

---- Respondent

For Applicant	:	Shri Maneesh Sharma, Advocate.
For Respondents/State	:	Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****25.06.2018**

1. Heard.
2. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail as the applicant has been arrested on 01.04.2018 in connection with Crime No.123 of 2018 registered in Police Station Khursipar, Bhilai, Distt. Durg for the offence punishable under Sections 420, 483 read with Section 34 of the I.P.C.
3. Case of the prosecution, in brief is that on 01.04.2018 upon receiving secret information that there are two vehicles running with the same registration number, i.e., CG/04/G/6131, the concerned police station Khursipar made the search and discovered that Engine Number and Chasis Number do not match the registration details for the said registered vehicle, i.e., CG/04/G/6131, whereas the registered number of the vehicle, which was seized by the police, is

of CG/07/CA/3075 and that is in the name of other co-accused person, namely Vinay Mishra, the real brother of the present applicant. The relevant papers pertaining to the said vehicle were seized from the applicant. Based upon such information and investigation, an offence has been registered against the applicant while arresting him on 01.04.2018.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in connection with the aforesaid crime. He submits that merely on the bald statement of one Ashwini Kumar Tiwari, it cannot be held that he has become the owner of the vehicle in question. He further submits that since the charge sheet has already been filed, therefore, there is no possibility of tampering with the evidence and influencing any of the witnesses mentioned in the charge sheet

5. On the other hand, learned counsel for the State opposes the bail application by submitting, inter alia, that the relevant papers of the vehicle in question were not only recovered from the applicant but he was also found in the said vehicle at the relevant time while transporting the iron cell by changing number plate of the vehicle. He submits further that two vehicles are running with the same Registration Number and upon its due enquiry, it was found that the Engine Number and Chasis Number do not tally the Registration details of vehicle bearing Registration No.CG/04/G/6131.

6. I have heard learned counsel for the parties.

7. Having considered the facts and circumstances of the case and without further commenting with regard to the merits of the case, I am inclined to enlarge the applicant on bail.

8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a bail bond in sum of Rs.2,00,000/- (Rupees

Two lakhs only) 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.

Certified copy as per rules.

Sd/-
(Sanjay Agrawal)
Judge