

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4166 of 2018

Arvind Singh, S/o Brijkishor Singh, Aged About 27 Years, R/o Near Basant Talkies, Jalegi Chowk, Police Station Chhawani, Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Khursipar, Civil And Revenue District Durg Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Purnendra Khichariya, Advocate.

For Non-Applicant/State : Shri V. B. Singh, P. L.

Hon'ble Shri Justice Sanjay Agrawal

Order On Board

21.08.2018

1. Heard on admission.
2. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail, as the applicant, Arvind Singh, has been arrested on 01.04.2018 in connection with Crime No. 123/2018, registered in Police Station Khursipar, District Durg (C.G.) for the offence punishable under Section 420, 483 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC')
3. The 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 No. i.e., CG/04/G/6131, the concerned police station Khursipur made the search and discovered that Engine Number and Chasis Number do not match with 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 i.e., in the name of one Vinay Mishra. The certain relevant papers pertaining to the said vehicle were seized from said Vinay Mishra. 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 the applicant was just driving the said vehicle and was not at all aware with regard to the facts in relation to the change of Number Plate of the vehicle in question, as alleged by the prosecution. He further submits that since the charge sheet has already been filed and offence so registered is triable by the Magistrate First Class and there is no possibility of tampering with the evidence and/or influencing any of the witnesses mentioned in the charge sheet, the applicant may be enlarged on bail.
5. On the other hand, learned State counsel opposes the bail application by submitting, inter alia, that at the relevant time the said vehicle was being driven by applicant, Arvind Singh, and from his possession the same was recovered, therefore, he is not entitled to be enlarged on bail.
6. I have heard the learned counsel for the parties and perused the

case diary carefully.

7. Having considered the facts and circumstances of the case and without further commenting with regard to the merits of the case at this stage, I am inclined to enlarge the applicant on bail.
8. Accordingly, the bail 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 as and when directed by the said concerned Court.
9. Certified Copy as per Rules.

Sd/-
(Sanjay Agrawal)
Judge

Deepti Jha