

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2071 of 2019**

- Saiyad Majid Ali S/o Saiyad Hashim Ali Aged About 40 Years R/o Takiyapara, Durg, Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg District Durg Chhattisgarh

---- Non Applicant

For the Applicant : Shri Amiyakant Tiwari, Advocate

For the State : Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**09.04.2019**

1. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.710/2018 registered at Police Station- Supela, District- Durg (C.G.) for the offence punishable under Section 406/34 of Indian Penal Code.
3. Case of the prosecution, in brief is that complainant Pradip Singh had purchased one vehicle bearing registration No.CG04JA3685. The said vehicle was financed by Cholanandlam Finance Company. Complainant and applicant had entered in agreement for sale of said vehicle on 12.07.2016. In the agreement it was the condition that applicant shall pay all the due installments to said finance company. The said vehicle was handed over to applicant. Thereafter applicant neither paid the entire installments nor returned back the said vehicle to the complainant.
4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, therefore, he shall be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that 5 other similar type of criminal cases have been registered against the applicant.
6. Counsel for the applicant further submits that applicant is in jail since 09.08.2018. Alleged agreement has been executed without the knowledge of said finance company. No incriminating material has been seized from him, coaccused Mohammad Asif Gani has been released on bail by this Court and coaccused Chandrakumar Sahu has been released on bail by the coordinate Bench of this Court and, thus applicant may also be released on bail.
7. The cases of Chandrakumar Sahu and Mohammad Asif Gani are on totally different footings. There is no allegation against the said coaccused that they have also executed any agreement with complainant. The case of applicant is more severe than coaccused Chandrakumar Sahu who has been released on bail by the coordinate Bench of this Court and Mohammad Asif Gani who has been released on bail by this Court.
8. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record, looking to the fact that 5 other criminal cases have been registered against the applicant, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
 Judge