

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2064 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.361/2018 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 Ramji Singh had purchased two vehicles bearing registration No.CG07CA5939 and CG07CA5739. The said vehicles were financed by HDB finance company. The said complainant and applicant had entered in agreements for sale of said vehicles. In the agreements it was the condition that applicant shall pay all the due instalments to said finance company. The said vehicles were handed over to applicant. Thereafter applicant neither pay the entire instalments nor return back the said vehicles to the complainant. If applicant failed to pay the entire due instalments then complainant will be entitled for the possession of said vehicles.
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 alleged agreements have been executed without the knowledge of said finance company. No incriminating material has been seized from him, coaccused Chandrakumar Sahu and Mohammad Asif Gani have been released on bail by this Court thus applicant may also be released on bail.
7. The case of Chandrakumar Sahu and Mohammad Asif Gani is on totally different footing. 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 and Mohammad Asif Gani who have 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 this fact that 5 other cases of similar types have already 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

Parul