

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2149 of 2019

- Saiyad Majid Ali S/o Saiyed 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

---- Respondent

For Applicant : Shri Amiyakant Tiwari, Advocate
For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

02/05/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 712/2018, registered at Police Station – Supela, District- Durg (C.G.) for the offence punishable under Section 406/34 of the IPC.
2. As per prosecution story, complainant Mohd. Imran lodged a report in police station, wherein, it has been alleged that the applicant entered into a sale agreement with him on 23.11.2016 for operation of his truck bearing Registration No. CG 07 AZ 6934, his truck was financed with Magma Finance Co. and as per the said agreement, remaining installment was to be paid by the applicant who did not pay the installment and took the said truck with him. On failure of installment, a report was made by the complainant. On the basis of said report, offence has been registered against the applicant and other co-accused persons namely Chandra Kumar Sahu and Mohhamad Asif Gani. The applicant is in custody since 06.08.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. On the basis of evidence collected by the prosecution prima facie no offence can be made out against the applicant. He further submits that the other co-accused persons namely Chandra Kumar Sahu and Mohhamad Asif Gani have already granted benefit of bail by this Court vide order dated 26.10.2018 & 15.01.2019 passed in MCRC No. 6954/2018 & MCRC No. 9690/2018. The Applicant is in custody since 06.08.2018 and trial is likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the other co-accused persons have already granted benefit of bail by this Court. The Applicant is in custody since 06.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge