

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2428 of 2019**

Rehan Ahamad Azami, S/o Nishar Ahamad, aged about 28 years, R/o Ganesh Nagar Chuchuhiyapara, Bilaspur, P.S. Sirgitti Bilaspur, Tahsil and District Bilaspur (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Police Station Civil Line, District Bilaspur (CG). **---- Non-applicant**

For Applicant	: Ms. Hamida Siddiqui, Advocate
For Non-applicant	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

24.06.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.131/2019 registered in Police Station Civil Line, District Bilaspur for the offence punishable under Section 409 of Indian Penal Code.
3. Case of the prosecution, in brief, is that the applicant was the employee of Kotak Mahindra Bank Branch near KIMS, Hospital. Kotak Mahindra Bank had given loan to the complainants namely Cherkhu Ram and Bhagwan Singh to purchase tractor and trolley. After some time, the applicant had forcefully taken one tractor and trolley from the possession of complainant Cherkhu Ram and one tractor from the possession of complainant Bhagwan Singh due to non-payment of remaining installments. The cost of two tractors and one trolley is Rs.14,49,000/-.
4. Counsel for the applicant submitted that the applicant has not committed any offence and he is an innocent person and as such he may be released on bail.
5. On the other hand, counsel for the State opposed the bail application. However, he submitted that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE