

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2601 of 2019

- Mohammad Arif, S/o Mohammad Mansoor, Aged About 38 Years, R/o Rawatpura Math - Purena, Police Station- Tikarapara, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Tikarapara, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Satyendra Shriwas on behalf of Mr. Akash Kundu, Advocates.
For Respondent/State	:	Mr. Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/07/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.317/2016 registered at Police Station–Tikrapara, District–Raipur(C.G.) for the offence punishable under Sections 394, 365 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant is in jail since 26.2.2019. Similarly placed co-accused Mohamamd Wasim Ansari @ Golu has been granted regular bail by the co-ordinate Bench of this Court, therefore, it is prayed that he may be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the applicant has a criminal history of having being prosecuted for three criminal cases in various provisions under IPC, therefore, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, one Shekh Julfikar had sold a car to Md. Navi Kureshi, who sold it to one co-accused Arshad Khan. As the payment of consideration was not made, the complainant Shekh Julfikar took back the possession of the car because of which this applicant along with the other co-accused persons abducted the complainant for the purpose of recovering the same car and thereafter also thrashed the complainant.
6. Considering that the similarly placed co-accused person has been granted bail and also for the reason that the case is now before the trial Court, I am of the view that present applicant also deserves to be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on regular bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge