

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3390 of 2019**

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

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

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**08/07/2019**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.752/2018 registered at Police Station Supela, District Durg (C.G.) for the offence punishable under Section 406/34 of IPC.
3. Case of the prosecution, in brief is that complainant Harendra Singh R/o Khursipar Zone-III, Bhilai had purchased a vehicle bearing registration number C.G. 07 CA/9805 through Choramandlam Finance Company. On 12/04/2016 applicant Syed Mazid Ali had entered an agreement for sale of said vehicle with complainant. He received Rs. 1 Lakh as an advance. Condition was that applicant Syed Mazid Ali will pay the installments of said finance company. It was the condition that if applicant failed to pay the entire due installments then said complainant will be entitled for the possession of said vehicle. Thereafter applicant neither paid the entire installments nor returned back the said vehicle to the complainant.
4. Counsel for the applicant submitted that he is innocent and falsely implicated in the present case, he is in jail since 27/08/2018, charge-sheet has been filed. Some co-accused have been released on bail by this Court, therefore, he may be released on bail. He drew my attention on provisions of Section 212(2) of Cr.P.C.

5. On the other hand, counsel for the State opposes the bail application. He further submits that six other similar type of cases have been registered against the applicant.
6. The case of applicant is totally different from the other co-accused, who have been granted bail by this Court. At this stage applicant does not get any help from the aforesaid provision of CrPC. The case of applicant is more severe than the other co-accused which have been granted bail by this Court.
7. Looking to the material available on record against the applicant, looking to this fact that six other criminal cases have been registered against the applicant, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde