

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8040 of 2020

Imran Beg S/o Sultan Beg Aged About 36 Years R/o Ward No. 18, Pendri,
Police Station- Lalbag, Tahsil And Distt. Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Basantpur, Distt. Rajnandgaon,
Chhattisgarh

---- Respondent

For Applicant	:	Shri Arvind Dubey, Advocate
For State	:	Shri Mateen Siddiqui, Dy.A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

29/01/2021

1. The applicant is arrested in connection with Crime No.101/2020 registered in Police Station- Basantpur, District- Rajnandgaon (CG) for alleged commission of offence under Section 420 IPC.
2. Case of the prosecution, in brief, is that the applicant went to showroom of the complainant, who is engaged in selling re-used car, for taking trial of the vehicle. The applicant took away one vehicle Toyota Fortuner and did not return and when report was lodged, then only the applicant came out to surrender that vehicle in the police station on the next day morning.
3. Learned counsel for the applicant would submit that the allegation of applicant committing cheating is not made out. The vehicle was taken only for trial purposes and when he came to know that complainant has lodged report, the applicant immediately surrendered in the police station along with the vehicle on the very next day. Learned counsel for the applicant submits that the investigation is complete, charge sheet has also been filed

and the applicant is in jail since 26.9.2020, therefore, at this stage, he may be granted bail as he is not likely to abscond or tamper with the prosecution witnesses.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that prima facie case is made out against the applicant because the complainant lodged report that the applicant had taken the vehicle for trial and did not come back and it was only when report was lodged that the applicant was traced and ultimately the vehicle was brought in the police station next morning.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration that the place of seizure is said to be police station and version of the applicant that he himself had come down in the police station to surrender the vehicle and further taking into consideration the cost of the vehicle which is stated to be about Rs.5 lakh, I am inclined to allow the application.
6. The application is accordingly allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge