



2024:CGHC:46132

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7342 of 2024

Parvez Alam Ansari S/o Abdul Kuddush Ansari, Aged About 35 Years
R/o Ward No. 1, Ramsagar Para Darri Road Korba, P.S. Korba, Tahsil
And District Korba, Chhattisgarh. (Father Name Wrongly Mentioned As
Kukdush In Anx. A/1 Page No. 5)

---- **Applicant**

versus

State of Chhattisgarh Through The Station House Officer, P.S, Sarkanda,
District Bilaspur, Chhattisgarh.

---- **Non-Applicant**

MCRC No. 7959 of 2024

Mohammad Arif S/o Late Abdul Sattar Aged About 38 Years R/o Purani
Basti , Rani Road, District Korba (C.G.)

----**Applicant**

Versus

State of Chhattisgarh Through The Station House Officer, Police Station
Sarkanda, District Bilaspur(C.G.)

---- **Non-Applicant**

For Applicant (in MCRC No. 7342/2024) : Mr. Tarendra Kumar Jha, Advocate.
For Applicant (in MCRC No. 7959/2024) : Mr. Mirza Kaisher Beg, Advocate.
For Non-Applicant/State : Mr. Sangharsh Pandey, Government
Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****25/11/2024**

1. Since the above-mentioned two bail applications arise out of same crime number, they are clubbed and heard together and are being disposed of by this common order.
2. These are the first bail applications filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 376/2024 registered at Police Station- Sarkanda, District Bilaspur(C.G.), for the offence punishable under Sections 419, 420, 406, 411, 201, 120-B of Indian Penal Code.
3. Case of the prosecution, in brief, is that on the basis of report lodged by the complainant Raj Prakash (resident of Maihar) at P.S. Sarkanda stating therein that registered vehicle Marajo M-2, which was registered his name and registration number is CG- 16/CM-4771 and that was taken by Mohammad Anis on behalf of CPL Private Limited for the purpose of driving the same for the rent @26000/- per month and said Mohammad Anis has deposited an amount of Rs.54000/- to the complainant till Feb.2024 and after three months, he brought the said vehicle and thereafter he told to Anis to show the said vehicle, the said vehicle was not shown and in the meantime, he came to know that Mohammad Anis who had taken the said vehicle on rent belonging to the complainant had sold it in forged manner and thereafter he made where about the same, he came to know that the said vehicle had sold to other

co-accused person, but the said co-accused had stated to him that the said vehicle was not sold and on the basis of report lodged by the complaint at Police Station Sarkanda, the offence has been registered against the applicant and other co-accused person.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He further submits that the applicant, namely, Mohammad Arif (MCRC No. 7959/2024) has one previous criminal antecedent in which compromise taken between the parties and he has acquitted in that case. Explanation of the same has been given in paragraph No. 4(a) of this bail application. He further submits that the charge-sheet has been filed and the applicant, namely, Parvez Alam Ansari (MCRC No. 7342/2024) in jail since 27.07.2024 and the applicant, namely, Mohammad Arif (MCRC No. 7959/2024) in jail since 25.07.2024. Therefore, he prays for grant of regular bail to the applicants.
5. Learned counsel for the State/non-applicant opposes the bail application and submits that the charge-sheet has been filed. He further submits that the applicant, namely, Parvez Alam Ansari has one criminal antecedent under the IPC and the applicant, namely, Mohammad Arif has one previous criminal antecedents of the year 2022, therefore, they are not entitled for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicants and

the fact that the both the applicants have one previous criminal antecedents, the charge-sheet has been filed and and the applicant, namely, Parvez Alam Ansari (MCRC No. 7342/2024) is in jail since 27.07.2024 and the applicant, namely, Mohammad Arif (MCRC No. 7959/2024) is in jail since 25.07.2024, further, the conclusion of the trial may take some more time, this Court is of the view that the applicants are entitled to be released on bail in this case.

8. Accordingly, the bail application is **allowed**. Let the applicants – **Parvez Alam Ansari** (MCRC No. 7342/2024) and **Mohammad Arif** (MCRC No. 7959/2024) involved in Crime No. 376/2024 registered at Police Station- Sarkanda, District - Bilaspur(C.G.), for the offence punishable under Sections 419, 420, 406, 411, 201, 120-B of Indian Penal Code, be released on bail on their furnishing a **personal bond** with **two sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence,

without sufficient cause, the trial court may proceed against them under Section 269 of BNS.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS is issued and the applicants fail to appear before the Court on the date fixed in such proclamation, then, the trial Court shall initiate proceedings against them, in accordance with law, under Section 209 of BNS.

(iv) The applicants shall remain present, in person, before the trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial Court absence of the applicants are deliberate or without sufficient cause, then it shall be open for the trial Court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice