

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 963 of 2015

Purushottam Lal Dhruv S/o Shri B. R. Dhruv Aged About 57 Years R/o A. R. T. O. (Assistant Transport Officer) Parivahan Check Post, Pate Kohra, Rajnandgaon, P. S. Rajnandgaon, Tahsil & District Rajnandgaon, (Civil & Revenue District - Rajnandgaon), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station Janjgir, District Janjgir-Champa, (Civil & Revenue District - Janjgir- Champa) Chattisgarh.

---- Respondent

For Applicant	:	Shri Vaibhav P. Shukla, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Order On Board

29/09/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.465 of 2015, registered in Police Station- Janjgir, District -Janjgir Champa, for alleged commission of offence under Sections 365, 392, 384, 465 and 120-B IPC.
2. Case of the prosecution, in brief, is that the co-accused Gulam Jilani and his associates kidnapped one lady Sushila Tripathi and got her signature obtained in the blank proforma applications which was used for submitting application for transferring ownership before the applicant and the applicant passed order of transfer of ownership of vehicle.
3. Learned counsel for the applicant submits that in so far as present applicant is concerned, he had no role to play in the alleged commission of offence by co-accused Gulam Jilani. He submits that even if it is accepted that the applicant passed order for transfer of ownership of vehicle on the basis of certain application submitted before it, without any other material, it cannot be inferred that the applicant was party to the alleged criminal overt act of other accused. He further submits that other accused have already been tried and acquitted of the charges. The applicant is a Govt. employee. Therefore, the applicant may be granted anticipatory bail.

4. On the other hand, learned counsel for the State submits that the nature of allegation against the applicant shows that prima facie the applicant was also involved with other co-accused and even if other have been acquitted, the applicant is not entitled to benefit of anticipatory bail.
5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature of allegation and the role alleged to have been played by the applicant and that other co-accused, particularly the main accused Gulam Jilani has already been acquitted, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:
 - (i) the applicant shall make himself available for interrogation by the police officer as and when required;
 - (ii) the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge