

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1037 of 2015

1. Bindeshwar Yadav @ Videshi Yadav, S/o. Ramcharit Yadav, aged about 40 years, Occupation-Business, R/o. Village- Kashkela, Police Station – Bhatgaon, Tahsil and District Surajpur, Civil & Revenue District – Surajpur (C.G.)

----Applicant

Versus

1. The State Of Chhattisgarh, Through : Police Station - Bhatgaon, District Surajpur (C.G.)

---- Respondent

For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/10/2015

1. Apprehending arrest in connection with Crime No.170/2015 registered at Police Station- Bhatgaon, District - Surajpur (C.G.), for offence punishable under Section 379 of IPC, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, in the intervening night of 19.09.2015 to 20.09.2015, the applicant with other co-accused persons were committed theft of 100 ltr. of diesel from the Holepack of complainant, Nagendra Singh, when the same was kept in the mines of SECL. When the security person chased them, they ran away.
3. Learned counsel for the applicant submits that the applicant is a reputed person and is income tax payee and holds his credit 3-4 vehicles, therefore, he will not indulge in such activity of theft of 100

liters of diesel. He would further submit that the applicant is not present on the spot.

4. Per contra, the learned State counsel opposes the prayer for grant of bail and submits that in the FIR the applicant has been named. He would further submit that another report was made under Section 294 of I.P.C. against the applicant. Consequently, unless and until investigation is made, the bail may be rejected.
5. Having regard to the gravity of the allegations made, however taking into the fact that the applicant is named in the FIR along-with other accused person, I am not inclined to extend benefit of anticipatory bail to the applicant. Taking the other aspects and the degree of the allegations, it is directed that if the applicant surrenders before the Court and moves application for regular bail, the same may be considered on the same day.
6. Accordingly, the anticipatory bail application is dismissed with aforesaid liberty.

Sd/-
(Goutam Bhaduri)
Judge