HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 96 of 2016

Hamid Rahman S/o Bhatichur Rahman Aged About 59 Years R/o R-10, Railway Construction Colony, Qtr. No. 809, Bilaspur, Tahsil Bilaspur, Civil & Rev. Distt. Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Thana City Kotwali, Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Respondent

For applicant – Smt. Madhunisha Singh, Advocate.
For Respondent/State –Shri Arvind Shukla, PL

Hon'ble Shri Justice Goutam Bhaduri

Order

17/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 369/2015 registered at Police Station City Kotwali, Bilaspur (C.G.) for offence punishable under 380, 427/34 of IPC.

2. As per the prosecution case a complaint was made by the complainant who was working as domestic help in the house of the applicant that when she did not report her duty, at that time, the applicant along with others entered into her house and took away the old watch, steel pot, cooler and old cycle of the children from her house.

3. Learned counsel for the applicant submits that applicant has been falsely implicated in this case. She further submits that similarly placed co-accused Rijwana Rahman has been enlarged on bail in M.Cr.C. (A) No.1309/2015 on 7/01/2016 and the allegation against this applicant are similar, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel do not dispute the fact that similarly placed co-accused Rijwana Rahman has been enlarged on bail in M.Cr.C. (A)

No.1309/2015 on 7/01/2016.

5. Therefore, taking into submission made that similarly placed co-accused Rijwana Rahman has been enlarged on bail in M.Cr.C. (A) No.1309/2015 on 7/01/2016, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

(i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

(ii) that 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/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) 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.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

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