

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 289 /2016

Anjani Prasad Sandhe, S/o. Ramadhar Sandhe, Aged About 46 Years,
Caste Dhimar, R/o. Village Kanjiya, Police Station Janakpur, District
Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Janakpur, District Korea, Chhattisgarh

---- Respondent

For Applicant : Mr. Mahendra K. Sahu, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/05/2016

1. Apprehending arrest in connection with Crime No.70/2014 registered at Police Station- Janakpur, District Korea (C.G.) for the offence punishable under Section 420, 409, 34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in between the period of 13.01.2014 to 21.01.2014, the applicant had sold 354.80 Quintals of Paddy in Aadim Jati Sewa Sahakari Samiti Maryadit, Janakpur, though the applicant do not have any land at village Kanjiya as per the statement of the Patwari.
3. Learned counsel for the applicant would submit that neither the applicant was registered nor he had sold any paddy or received any amount and he has been falsely implicated in this case; therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. On the earlier occasion since the State counsel was not able to satisfy the nature of offence committed, as such, the State was

directed to clarify the facts as to how the applicant was registered and the Paddy was sold. In reply to it, the documents have been filed along-with the affidavit of the S.D.O. Police, Manendragarh, Ms. Rama Patel and document is attached as Annexure R-1, which is a communication to the office of the Advocate General as also to the Police wherein it is stated that the applicant was neither registered nor has sold any paddy, nor received any amount. Considering the documents and the nature of offence as alleged, I am inclined to allow this bail application.

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 furnishing a personal bond to a sum of Rs.25,000/- with one 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) that 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.
7. It is made clear that the applicant shall be entitled to get the certified copy of the documents filed along-with this bail application as additional document by the State.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge