

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 414 /2016

1. Pallav Som, S/o. Late Sameer Som, Aged About 45 Years, R/o. LIG-92, Hudco, Police Station - Bhilai Nagar, Tahsil & District Durg, Chhattisgarh.
2. Bhuvneshwar Manwar @ Mangal Manwar, S/o. Late Kunj Bihari Manwar, Aged About 54 Years, R/o. Deepak Nagar, Durg, Tahsil & District – Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - Mohan Nagar, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicants	:	Dr. N.K.Shukla, Sr. Advocate with Mr. Goutam Khetrapal, Advocate.
For Respondent	:	Mr. Sangharsh Pandey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/05/2016

1. Apprehending arrest in connection with Crime No.449/2015 registered at Police Station- Mohan Nagar, Durg, District Durg (C.G.) for the offence punishable under Sections 395, 365, 294, 323 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 21.10.2015 a report was made by Bunty Khandelwal that the applicants along with others on the allegation that they were cutting the cable wires abducted Bunty Khandelwal in their Sumo Car bearing No.C.G.07 MA 2039 and subsequently looted the amount; thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case, as the incident happened

because of the fact that there has been a dispute of cable wire and the applicants were also employee of cable operator and the report and counter report has been made. The report was made against the complainant for theft of cable wire and they have been falsely implicated and the story of the prosecution is believed from the fact that the motorcycle which was seized was found at the Police Station and the cable cut wires were found on the spot. He therefore submits that the applicants may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail. He went through the statement of Mohd. Aslam and Satish and submits that the company of the co-accused has abducted and looted the amount and against Pallav Som he took away the money from the pocket of the Bunt Khandelwal and gave it to Sanjay Gupta and this was seen by the eye-witness. He therefore submits that the applicants may not be enlarged on bail.
5. Perused the case diary and the statement of the eye-witness. After perusal of the case diary, documents and the statements, this Court is of the opinion that it is not a case where the benefit of Section 438 can be granted to the applicants.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge