

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 312 of 2016

Satbir S/o. Shri Maadu Singh, aged about 50 years, R/o. Village Chimni, P.S. And Tahsil Beri, District Jhajjar(Haryana) Civil and Revenue District Jhajjar.

---- Applicant

Versus

State of Chhattisgarh Through Police out Post incharge Tara, Police Station Premnagar, District Surajpur (C.G.)

---- Respondent

For Applicant	:-	Mr. A.K. Prasad, Advocate
For Respondent/State	:-	Mr. Sumit Jhanwar, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03/05/2016

1. Apprehending arrest in connection with Crime No. 117 of 2015 registered at Police Station – Premnagar, District Surajpur (C.G.) for the offence punishable under sections 302,394,397,201,412,414,120(B) and 34 of the Indian Penal Code. The applicant has preferred this application for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that in the intervening night of 26-27/09/2015, the other co-accused persons namely Anil Yadav @ Hari Narayan,Patul @ Abdul Majid and one Nazir Khan committed murder of driver and cleaner of Trailer No. C.G. -12-S 4823 namely Bodhan Prasad and Nilesh Kumar and have thrown the dead body in the Kataroli Jungle,

they further looted the Tractor and took the Trailer to the Jhajjar in the State of Haryana and have sold it. Later on, the owner of the Tractor came to know about the location of the Tractor at Haryana from the GPS system; thereby the offence has been committed.

3. Counsel for the applicant submits that the offence of murder and dacoity is said to have been committed by Anil Yadav @ Hari Narayan and Patul @ Abdul Mazid. He further submits that this applicant has purchased the vehicle from Dayanand, for a valuable consideration of Rs. 11 lakhs out of which Rs. 6 lakhs was paid and the rest amount would be paid after the name was transferred, the same was also recorded in the agreement which is filed alongwith the bail petition.

4. Counsel for the applicant further submits that the applicant has been charged under sections 412, 414 and 120 (B) of IPC. He further submits that the applicant was the bonafide purchaser of the truck and the number of the truck having H.R.-66-3762. He further submits that the other co-accused persons namely Vijay Kumar Jat and Om Prakash have already been granted bail by the Coordinate bench of this High Court in M.Cr.C. No. 551 of 2016 and in M.Cr.C. No. 1814 of 2016 on 12.04.2016. He further submits that the case of the present applicant is similar to that of the other co-accused, therefore, the applicant may also be entitled for anticipatory bail on the ground of parity.

5. Counsel for the applicant further submits that the applicant is aged more than 50 years and he is suffering from several disease including hundred percent disability as per certificate of disability filed along with the bail petition, therefore, the applicant may be given the benefit of anticipatory bail.

6. Per contra, State counsel opposes the prayer for grant of bail.

7. Perused the case diary, document and the order. Perusal of the case diary, document and the order shows that the main allegation of loot and murder are against Anil Yadav @ Hari Narayan, Patul @ Abdul Mazid and one Najir Khan; considering the role played by this applicant as he was only bonafide purchaser of the looted truck and for which amount was also paid, taking into the fact that the applicant permanently disabled to the extent of 100%, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed.

9. 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 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 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.

Sd/-
(Goutam Bhaduri)
JUDGE

Santosh