

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 327 of 2016

Makbul Khan, S/o. Mohammad Husain Khan, Aged about 51 years,
R/o. Nayapara Ward, Dhamtari, Police Station- Dhamtari, Tahsil
and District Dhamtari (C.G.) Civil and Revenue District Dhamtari
(C.G.)

---- Applicant

Versus

State of Chhattisgarh Through – Police Station Magarlod, District
Dhamtari (C.G.)

---- Respondent

For Applicant	:-	Mr. Mateen Siddiqui, Advocate
For Respondent/State	:-	Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05/04/2016

1. Apprehending in connection with Crime No 46/2016 registered at Police Station- Magarlod, District Dhamtari (C.G.) for the offence punishable under section 409 of Indian Penal Code. The applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant was working as in-charge Principal in Govt. Higher Secondary School, Singpur. The computer of the school was handed over to Raza Mobile and Photo Studio for preparing the identity cards. Thereafter, the computer could not be returned to the school as such the offence is committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that it was for the

betterment of the student, the computer was handed over to Raza Mobile and Photo Studio, so that the identity cards are prepared at the lowest rate. He further submits that unfortunately in another case the owner of the shop namely Shoib Khan has been arrested and the shop was sealed wherein the computer was lying, therefore, the computer could be returned. He further submits that no criminality can not be attributed to this applicant, therefore, the applicant may be given the benefit of anticipatory bail.

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

5. Perused the case diary and the document. As per the document it shows that the computer which was given to Raza Mobile and Photo Studio, the owner of the shop namely Shoib Khan, the case diary also contains the fact that the said shop was sealed by the police in another crime. Taking into the facts and circumstances of the case, I am inclined to release the applicant on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed.

7. 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 them 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 them by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh