

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 346 of 2016

Manoj Kumar Pandey, son of Bankeshwar Pandey, aged about 39 years, R/o Pan Pos Road, Near Postmortem House, Raurkela, P.S. Raghunath Pali, District Raurkela (Odisha) 769 004

... **Applicant**

Vs.

State of Chhattisgarh, through Station House Officer, Police Station Kotararoad , Raigarh (C.G).

... **Respondent**

For the applicant	:	Mr. Uttam Pandey, Advocate.
For the Respondent	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.04.2016

1. Apprehending arrest in connection with Crime No. 304 of 2014 registered at Police Station Kotararoad, Raigarh District Raigarh (C.G) for the offences punishable under section 379/34 IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a ten wheeler Hi-wa bearing Regn.No.C.G.10-A/8995 was stolen on 04.05.2014. A report was made on 18.11.2014. Thereafter, some of the accused were arrested and on being investigated, it reveals that the applicant and the other co-accused have stolen the vehicle and the subsequently applicant helped them to sell the vehicle.
3. Learned counsel for the applicant submits that no evidence is available against this applicant and only on the memorandum of co-accused Vikas Sinha @ Vicky Sinha, he has been inculpated.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.

5. Perused the case diary which shows that the applicant was inculpated on the memorandum statement of Vikas Sinha @ Vicky Sinha who is co-accused. The case diary also contains the statement of present applicant Manoj Kumar Pandey, which was recorded on 11.3.2015. It appears that Manoj Kumar Pandey was not arrested despite his statement was recorded.
6. Considering the totality of the circumstances and the evidence available in case diary as against the applicant, I am inclined to extend the benefit of section 438 Cr.P.C., to him.
7. Accordingly, this 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 his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer.

The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE