

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 368 of 2016

1. Neeraj Yadav, S/o. Shiv Prasad Yadav, aged about 28 years, R/o. Yadunandan Nagar, Q.No.132, Tifra Bilaspur, P.S. Sirgitti, Tahsil-Bilaspur, Revenue and Civil District-Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Police Station – Sirgitti, District- Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/05/2016

1. Apprehending arrest in connection with Crime No.84/2016 registered at Police Station- Sirgitti, District – Bilaspur (C.G.), for offence punishable under Section 436/34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case on 27.02.2016, the complainant Archana Tiwari went to her friend's house and stayed there at that time one boy Montee Tiwari was present in the house. On 28.02.2016 at about 3.30, he informed that kitchen of the house is subject to fire, thereafter, from the door M. Santosh, Balaji, Neeraj Yadav, Monu Tripathi, Minhaz and Golu Shikari were seen flying away from the spot and because of fire entire goods was gutted in the fire.
3. Learned counsel for the applicant would submit that the complainant has not named the applicant, Neeraj Yadav and only on the basis of suspicion his name has been inculpated by the

police. The applicant referred to the statement of complainant, Archana Tiwari, wherein it is stated that she has not seen the applicant, Neeraj Yadav while causing fire, therefore, he prays that the applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel was directed to verify the authenticity of the affidavit (Annexure A/2) as to whether it was furnished by the complainant and the State counsel on verification submits that the affidavit so furnished by the complainant, Archana Tiwari was found to be correct and it is stated that she do not want any action against the applicant as he was not named in the FIR.
5. Taking into such facts and circumstances, I am inclined to extend benefit of anticipatory bail to the applicant.
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 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/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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge