

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 637 of 2016**

1. Sanjay Kumar Singh S/O Late Jogendra Singh Aged About 48 Years R/O - M M S - 18, Vaishali Nagar, Bhilai, P.S. - Supela, Tehsil, Civil & Revenue District - Durg Chhattisgarh
2. Chinna Rao S/O - Late Agraiya Aged About 48 Years R/O - Vrinda Nagar, Camp - 1, Bhilai, P.S. - Chawni, Tehsil, Civil & Revenue District - Durg Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through, District Magistrate, Durg, Distt. Durg Chhattisgarh

---- Respondent

For Applicants : Mr. Jaydeep Singh Yadav, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****19-08-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 58 of 2016 registered at Police Station Bhilai Bhatti, District Durg (CG) for offence punishable under Section 381/34 of the IPC.
2. As per case of the prosecution, a report was made by the complainant Kewal Vishwal that he was working on behalf of 5 Star Construction Company at Bhilai Steel Plant and certain pipes were being stolen by applicant No.1 Sanjay Kumar Singh and it was got transported to applicant No.2 Chinna Rao. The applicant No.1 being Supervisor of the Company has committed the aforesaid offence.

3. Learned counsel appearing for the applicants would submit that due to some misunderstanding, a report was made and after report it was realized that compromise has been affected and the affidavit was sworn by the complainant that he has no objection if bail is granted to the applicants, therefore, the applicants may be enlarged on anticipatory bail.
4. Learned State counsel after due verification would submit that compromise has been affected between the parties and the complainant has filed an affidavit stating that he has no objection if bail is granted to the applicants.
5. I have heard learned counsel for the parties and also perused the case diary and documents.
6. Perused the statement of the complainant wherein it has been stated that compromise has been affected between the parties and he has no objection if bail is granted to the applicants.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the statement of the complainant, I am of the considered opinion *prima facie* that it is a fit case where the benefit of anticipatory bail can be extended to the applicants.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:

(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required.

(ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju