

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 765 of 2016

- Vijay Singh Kanwar S/O Horilal Kanwar Aged About 24 Years R/O Kachanda, Police Station Baradwar, Civil & Revenue District - Janjgir Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through, District Magistrate Janjgir Champa Chhattisgarh

---- Respondent

For Applicant : Mrs. R. Jaiswal, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam BhaduriOrder on Board12-08-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 36 of 2016 registered at Police Station Baradwar, District Janjgir Champa (CG) for offence punishable under Section 457 of the IPC.
2. Case of the prosecution, in brief, is that on 17-1-2016 the applicant had entered into the house of the complainant at about one o'clock and tried to steal away the goods and when the complainant woke up and raised alarm, the applicant fled away from the spot and thereafter a report was made on 18-1-2016 against him.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case and

due to previous enmity his name has been inculpated, therefore, the applicant may be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail,.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Considering the fact that since the applicant was not apprehended on the spot and only on apprehension allegations have been made against the applicant, I am inclined to extend benefit of anticipatory bail to the applicant.
7. Accordingly, the application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail 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 the sum of Rs.25,000/- with one local 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) 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

Raju