

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1342 /2015

1. Dharmendra Gupta, S/o. Shri Vinod Gupta, Aged About 28 Years.
 2. Sandip Yadav, S/o. Shri Ashok Yadav, Aged About 26 Years.
- Both are R/o. Village Trikunda, Police Station Trikunda, Civil Distt. Surguja, Revenue Distt. Balrampur – Ramanujganj, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station - Trikunda, Distt. Balrampur – Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants : Mr. Neeraj Mehta, Advocate.

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2016

1. Apprehending arrest in connection with Crime No.59/2015 registered at Police Station- Trikunda District Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 394, 506, 341, 34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a complaint was made by one Balinder Gond on 02.10.2015 that he alongwith his uncle withdrew Rs.20,000/- from the Bank and after leaving his uncle while he was coming, he was intercepted by the applicants and Rs.20,000/- was looted and his motorcycle was kept in the custody and further the applicant was asked to pay Rs.10,000/- and after having paid Rs.10,000/- the motorcycle was released.
3. Learned counsel for the applicants submits that the incident though was stated to be 02.10.2015 but the FIR was made on 20.10.2015. He submits that the incident as has been narrated, the plausible

facts has not been narrated. He further submits that the false allegations have been made, therefore, the applicants may be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the FIR and statement of the complainant wherein he stated that he withdrew Rs.20,000/- from the Bank on 02.10.2015 and thereafter alongwith his uncle while he coming back, he was looted and assaulted. Learned State counsel was directed to verify as to whether the complainant was holding any Bank account or not ? The report has come that the complainant was not holding any Bank account and even otherwise on 02.10.2015, it was the public holiday and possibility of withdrawal of amount from the Bank is doubtful. The medical report also do not supports the assault which was alleged by the complainant. Therefore, considering the above facts and circumstances, I am inclined to enlarge the present applicants on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. 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 furnishing a personal bond to a sum of Rs.25,000/- with one surety each 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) that 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