

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 854 of 2016**

Rajnish Singh Kushwah S/o Shri Rambharosi Singh, Aged About 28 Years, R/o Shivkanan Colony, House No. 20, Boirdar, Raigarh, Tah. & Distt. Raigarh, Civil And Rev. Distt. Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Punjipathra, Distt. Raigarh Chhattisgarh.

---- Respondent

For applicant – Shri M.K. Sinha, Advocate.
For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****22/09/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 47/2016 registered at Police Station Punjipathra, Distt. Raigarh (C.G.) for offence punishable under Section 379 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Rohit Dwivedi who is Cluster In-charge of mobile tower. Two towers were under him. Rectifier was stolen bearing No.2178212 and 2443832 costing Rs.20,000/- on 15/05/2016. Subsequently, the said rectifier was found in the car bearing No. CG 13 U 1268 i.e. Tata Vista which was in abandoned condition and the applicant is the owner of the said vehicle.
3. Learned counsel for the applicant submits that the applicant was appointed in the Planman HR Pvt. Ltd. according to Annexure A-2 and it is completely improbable that for Rs.20,000/- he will abandon his car which costs more than that. He submits that the applicant has been falsely implicated at the behest of Rohit Dwivedi. Therefore, learned counsel submits that the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and also appointment letter which is not disputed. Considering the facts and circumstances of the case and also for the fact that recovery of the stolen goods of Rs.20,000/- was made from the car, 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) 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

