

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 913 of 2016**

1. Vineet Bafna, S/o. Ashok Kumar Bafna, Caste-Jain, aged about 36 years,
2. Dayaram Sahu, S/o. Yaadram Sahu, Caste-Teli, aged about 43 years.

Both residents of Village-Nawagaon (Dhorabhatha), Police Station and Tahsil – Magarlod, District – Dhamtari (C.G.). Civil & Revenue District – Dhamtari (C.G.)

----Applicants**Versus**

1. State of Chhattisgarh, Through : the Station House Officer, Police Station : Magarlod, District – Dhamtari (C.G.)

---- Respondent

For Applicants	: Mr. B.P. Sharma, Advocate with Mr. Vivek Chopada, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****25/11/2016**

1. Apprehending arrest in connection with Crime No.163/2016 registered at Police Station- Magarlod, District – Dhamtari (C.G.), for offence punishable under Section 392/34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 10.08.2016 a report was made by one Nitin Chandrakar alleging that on 08.08.2016 at 5.00 PM, the applicant along with other persons with armed came to him and looted an amount of Rs.30,000 – 40,000/- along with diesel. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the applicants belonged to political group and initially he was with Bhartiya Janta Party, subsequently, joined the Congress party and contested the

election and also opposed the election of the sitting minister, who was subsequently elected. He further submits that on 08.08.2016 no offence actually has been committed and entire false allegations have been attributed in order to corner the applicants and to take revenge. He further submits that on the date of incident, the applicants were placed at village Megha and place of incident is alleged at village Kapalfodi and the distance at that time could not have been covered which shows that the applicants were not present at spot and false allegations have been attributed. The counsel places the map before the Court and tried to demonstrate the distance in between two places is about more than 20 K.M. to show the presence of the applicants on the spot is fabricated as per report. It is further submitted that the applicants have opposed the excavation of sand by the sand mafia and the present report was made by one of the sand mafia to falsely implicate the applicants. Therefore, the counsel prays that the applicants may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned counsel for the state opposes the bail application.
5. The State was directed to submit what was the location of the applicant at the relevant time.
6. The case diary would show that as per the investigation at the time in between 16.51 to 17.05 i.e. the time of incident, the mobile location of the applicant No.8085090010 was shown to be at Megha. Subsequently, the prosecution was asked to make submission the distance and the map of Megha and Kapalfodi.
7. Thereafter, the map is placed. Perused the map. According to the submission of the State counsel, the distance of village-Megha and Kapalfodi by one road is about 17 K.M. and by another road is

about 24 K.M.. Taking into the totality and the facts and circumstances of the case, this Court is inclined to extend the benefit of anticipatory bail 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 executing a personal bond in 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