

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 253 of 2017**

- Sanjay Kumar Sahu S/o Shri Ramsanehi Sahu, Aged About 36 Years R/o Dindayal Ward, Bilaspur Road, Mungeli, Police Station- Mungeli, District- Mungeli . Chhattisgarh, (Wrongly Mentioned As District- Bilaspur)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Lormi, District- Mungeli- Chhattisgarh.

---- Non-applicant

For Applicant: Mr. Vinay Pandey, Advocate
For State: Mr. Ashok Swarnkar, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****05.05.2017**

1. The present application u/s 438 of the Cr.P.C. for grant of anticipatory bail has been filed by the Applicant apprehending his arrest in connection with Crime No. 38/2017 registered by the Police Station – Lormi, District Mungeli (C.G.) whereby he has been charged for the offence punishable under Section 379/34 of the Indian Penal Code.
2. The prosecution story in the present Application is that the present Applicant is said to have committed theft at the premises of the complainant -Raja Khan and have taken away cable wires and other instruments used in network cable services.
3. learned Counsel for the Applicant submits that it is a case where the complainant has a business rivalry with the present Applicant and on account of the same the Applicant has been falsely implicated in this

case. This fact is also apparent from the nature of allegation and contents of the F.I.R. The complainant has straight away lodged written report alleging theft against the present Applicant without stating anything on what basis he has received information of the present Applicant having committed offence of the theft.

4. However, the learned State Counsel opposing the Application submits that there is memorandum statement of the co-accused Mithleshwar and also certain articles which have been seized from Mithleshwar, are the basis for lodging of the report against the present Applicant also.
5. Considering the total facts and circumstances of the case, particularly the uncertainty as to how and on what basis the complainant filed report alleging charge of theft against the present Applicant and also considering the fact that the present Applicant has an old business rivalry with the complainant, this Court is of the opinion that a strong case for anticipatory bail has been made out.
6. Accordingly, the present MCRCA is allowed.
7. It is directed that in the event of arrest, the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000 with two sureties for the like sum to the satisfaction of the Officer arresting him. He shall also abide by all the following terms and conditions:-
 - (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - (ii) that the accused/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/them from disclosing such facts to the Court or to any police officer;

(iii) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the accused/applicant shall appear before the trial court on each and every date given to him by the said court till disposal of the trial.

Sd/-

(P. Sam Koshy)
JUDGE