

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1214 /2016

Gadadhar Yadav, S/o. Ratiram Yadav, Aged About 31 Years, Caste-Rawat, R/o. Village Bhathli, Police Station Sariya, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-Sariya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For Respondent	:	Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.01.2017

1. Apprehending arrest in connection with Crime No.146/2016 registered at Police Station- Sariya, District Raigarh (C.G.) for the offence punishable under Section 457, 380, 411, 34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Ganesh Agrawal on 21.10.2016 that certain pipes which were kept in his Godown were stolen. Subsequently, one Dilip Yadav was arrested and on enquiry, it revealed that the said pipes were sold to the present applicant and when the police reached to the shop of the present applicant, the applicant fled away.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and the applicant runs a business of fabrication and if someone sells a pipe then he cannot assumed that it was stolen property and the seizure has already

been made, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and FIR, which shows that when the police reached to the shop of the applicant for making seizure, the applicant fled away. Taking into the role played by the applicant, this is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge