

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1308 of 2016

- Gyan Ratre S/o Uday Ratre Aged About 34 Years R/o Kapu, Police Station Kapu, Tahsil- Dharamjaigarh, District Raigarh, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Kapu, District Raigarh, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Ashish Gupta, Advocate.
For the State : Mr. Anant Bajpai, Panel Lawyer
For the complainant : Mr. Amarnath Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.03.2017

1. Apprehending arrest in connection with Crime No. 85/2016 registered at Police Station Kapu, Distt. Raigarh (C.G) for the offences punishable u/s 394 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by one Munna Bharadwaj on 20.10.2016 that while he was coming back to his house at about 10 o' in the night the applicant along-with co-accused Devendra stopped him, assaulted him and looted Rs.10,000/- thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated; there has been some dispute took place between the applicant and complainant and no loot was ever made and the theory

of loot of Rs.10,000/- was disowned by the complainant and to this effect an affidavit was also sworn and the complainant also made statement before the Superintendent of Police Raigarh, therefore, the applicant may be enlarged on bail.

4. Learned counsel for the complainant submits that the applicant and other accused have not committed any offence and he do not want to continue the case against the applicant and the loot was never reported and a trivial dispute took place between the parties, therefore, the applicant may be enlarged on bail.
5. Learned State Counsel is not able to dispute the averments made in the application filed on behalf of the complainant wherein the complainant has stated that he does not have any objection if the anticipatory bail is granted to the applicant.
6. Taking into such facts and circumstances of the case more particularly the averments made in the application filed on behalf of the complainant, I am inclined to admit the applicant to anticipatory bail.
7. Accordingly, the 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 officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer

as and when required;

- (ii) that he 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 any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

R a o