

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 27 of 2018

- Dinesh Kumar Shukla Son Of Ram Prakash Shukla, Aged About 58 Years R/o Tatibandh, Raipur, Tahsil And District Raipur, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Inspector And Police Station Ganaj, Raipur, District Raipur, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant : Mr. S.C. Verma, Advocate.
For Respondent : Ms. K. Tripti Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/04/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.P-72/87-88 registered at Police Station-Ganaj Raipur, District – Raipur(C.G.), for the offence punishable under Sections 34(2), 36 & 42 of the Chhattisgarh Excise Act, 1915.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that the charge-sheet was filed against this applicant on 22.7.1987 and subsequent to that he had continuously appeared before the concerned trial Court. On 13.12.2017 this applicant could not appear before the trial Court, hence, application for exemption from appearance was filed by the counsel for this applicant, which was rejected and warrant of arrest has

been issued against this applicant. The absence of the applicant on the date of hearing was bonafide due to the reason that his uncle has expired and the applicant had been to Allahabad. Hence, it is prayed that anticipatory bail be granted of this applicant.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that case diary is not available as the case is of year 1987 and further the case is before the trial Court. Hence, submissions are made by way of formal objection.
4. Heard both the parties and perused the case diary.
5. On perusal of certified copy of the order-sheet of Special Court of Additional Sessions Judge, Raipur, it appears that the case against this applicant is pending since 1987, and it was only on one occasion i.e. 13.12.2017 applicant had not been appeared, but application for his exemption was filed by the counsel which has been rejected by the trial Court.
6. As this applicant is keen to appear and defend the charges against him and also looking to the fact that earlier he was on bail before the concerned trial Court. For these reasons, I am of this opinion that applicant should be granted anticipatory bail.
7. 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 his executing a personal bond in the 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) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge