

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 140 of 2018**

Ramesh S/o Manharan Lal, aged about 32 years, Caste – Satnami,
R/o Village Barbhata, Post Office – Salkhan, Tahsil Nawagarh, District
Janjgir Champa (C.G.)

----Applicant**Versus**

1. Bhagat Ram S/o Jagdish Prasad Agrawal, R/o Dipka, at present R/o Balko Nagar, Korba, Tahsil and District Korba (C.G.)
2. The State of Chhattisgarh, through the Station House Officer, Police Station –Dipka, District Korba (C.G.)

---- Non-applicants

For Applicant	:	Mr. Shailendra Dubey, Advocate.
For Non-applicant No. 1	:	None, though served.
For Non-applicant No. 2	:	Mr. Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****27/10/18**

1. Apprehending arrest in connection with P.C.No./Complaint No. 171/2008, registered at Police Station Dipka, District Korba, for the offence punishable under Sections 366 read with Section 34 of the Indian Penal Code, the applicant has filed this application under Section 438 of the Cr.P.C. for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that the applicant and four other co-accused persons kidnapped the wife of Bhagat Ram Agrawal and thereby committed the offence. Bhagat Ram filed a complaint against the applicant and four other accused persons on 07.01.2008 and cognizance was taken

on 24.05.2008.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and there is no evidence against him and he has been falsely implicated. The other co-accused person namely Rahasram has already been acquitted therefore, the present applicant is also entitled for grant of anticipatory bail.

4. Per contra, learned State counsel opposes the bail application.

5. I have heard learned counsel for the parties and perused the record of complaint.

6. Taking into consideration the facts and circumstances of the case and after going through the complaint filed by Bhagat Ram Agrawal and role of the applicant, I consider it a fit case for grant of anticipatory bail to the present applicant.

7. Accordingly, the bail application filed under Section 438 of the Cr.P.C. is allowed and it is directed that in the event of arrest of the applicant Ramesh 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 25,000/- with one surety in the like amount to the satisfaction of the concerned Investigating/Arresting Officer. The applicant shall also abide by the following conditions:-

1. that he shall make himself available for interrogation before the concerned Arresting/Investigating Officer as and when required;
2. that he shall not, directly or indirectly, make any inducement, threat or promise to the 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;

3. that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
4. that he shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

SD/-

(Sanjay K. Agrawal)

Judge