

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1080 of 2017**

Shatrughan Yadav S/o Shri Situram Yadav, Aged About 19 Years R/o Village Ratan Mahaka, Kharsia, Police Station Kharsia, District Raigarh, Chhattisgarh. At Present Residing At Awanti Vihar, Sector 1, Near Bal Udyan, Police Station Civil Line, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

1. State Of Rajasthan Through Superintendt Of Police, District Jhunjhunu, Rajasthan., Rajasthan
2. Station House Officer, Police Station Mandawa, District Jhunjhunu, Rajasthan., District : Jhunjhun, Rajasthan
3. State Of Chhattisgarh, Through Superintendent Of Police, Raipur, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondents

For the Applicant : Shri Kalyan Kalamkar, Advocate.
 For the Respondent/State : Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.03.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 72 of 2017, registered at Police Station – Mandawa, District – Jhunjhun, Rajasthan for the offences punishable under Sections 420 and 406 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. It is submitted that the applicant intends to approach the Court having jurisdiction for filing application for anticipatory bail as he has a strong case in his favour, but because of apprehension for being arrested, this applicant is unable to move and approach the said Court. Hence, it is prayed that the applicant be benefited with grant of interim transit anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this application is not maintainable before this Court. A report has been received from P.S. Mandawa, District Jhunjhunu, Rajasthan stating about the criminal case registered against this applicant for the offences under Sections 420 and 406 of the Indian Penal Code. It is stated in the report that the applicant is not cooperating with the investigation. Hence, the applicant is not entitled for grant of interim transit anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. Considered the submissions made and the documents that are filed alongwith the application and also the report submitted by respondents No.1 and 2. As the apprehension for being arrested on the part of this applicant is real and in this application he has shown his intention to approach the Court having jurisdiction, hence, the application for interim transit anticipatory bail is allowed.

7. Accordingly, the interim transit anticipatory bail 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 concerned Investigating Officer. This order shall remain effective for a period of 30 days from the date of this order. After expiry of the given date, the police shall have the liberty to arrest the applicant. However, this Court has not observed anything on merits of the case. He 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 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 him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge