

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 423 of 2018**

Vinay Pillay S/o Late Shri Sudhir Nath Pillay Aged About 66
Years R/o Rajendra Nagar, Chowk Police Station Civil Lines,
Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh ---

Petitioner

Versus

1. State of Chhattisgarh through Police Station Civil Lines, Bilaspur,
Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Anil Tomar S/o Shri Ajab Singh Tomar Aged About 42 Years R/o
D-10, Minocha Colony, Bilaspur, Tahsil And District Bilaspur
Chhattisgarh.....(Complaint), District : Bilaspur, Chhattisgarh
3. Akshaya Tomar S/o Shri Ajab Singh Tomar Aged About 40
Years R/o D-10, Minocha Colony, Bilaspur, Tahsil And District
Bilaspur Chhattisgarh.....(Complaint), District : Bilaspur,
Chhattisgarh **--- Respondent**

For the applicant	:	Mr. Manoj Paranjpe, Advocate.
For the State	:	Mr. Suryakant Mishra, Panel Lawyer
For N.A. 2	:	Mr. Rishi Rahul Soni, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.08.2018

1. Apprehending arrest in connection with Complaint Case
No.2749/2010 registered by Chief Judicial Magistrate,
Bilaspur for the offences punishable u/ss 294, 323, 392
read with section 34 of IPC, the applicant has filed this
application u/s 438 of the Code of Criminal Procedure.
2. As per the case of the complainant when the
construction of a boundary wall was being made and the
earth was excavated, one piece of gold was found, on
which, both the applicant and complainants have
entered into dispute, thereafter it is alleged that the

applicant has snatched the gold and Revolver from the complainant.

3. Learned counsel for the applicant would submit that the applicant is aged about 70 years suffering from various ailments and both the parties have entered into a compromise and the issue has been settled in between the complainants and the applicant, therefore, especially considering the age and ailments of the applicant, he may be extended the benefit of anticipatory bail.
4. Learned counsel for the complainant do not dispute the fact and would submit that the applicant may be enlarged on anticipatory bail.
5. Considering the submissions made by learned counsel for the parties, age and medical documents of the applicant and no objection is raised by the learned counsel for the complainant, I am inclined to admit the applicant to anticipatory bail.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid complaint case, 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 said 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**

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