

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 476 of 2018

- Gulam Ambia S/o Late Gule Sattar, Aged About 49 Years, R/o- Kharakona, Post Bargidiha, Police Station- Lundra, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Udaypur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Smt. Indira Tripathi, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-07-2018

1. Apprehending arrest in connection with Crime No.31/2016, registered at Police Station – Udaypur, District Surguja, Chhattisgarh for offence punishable under Section 406, 420, 467, 468, 471, 120-B, 34 & 411 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. Charge sheet has been filed showing the applicant absconding and the Case No.1031/2017 is pending before the JMFC. No seizure has been made from possession of this applicant and neither there is any statement of the witnesses in this case that this applicant has received the stolen property. He is arrayed as accused in this case only on the basis of memorandum statement of co-accused person. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that according to the memorandum statement given by co-accused Santuram, driver of the concerned truck, had unloaded the stolen coal in the brick manufacturing unit of this applicant. Hence, the applicant is not entitled

for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Facts of the case have already been discussed in the submissions made hereinabove.

6. As it appears that apart from the memorandum statement of the co-accused persons, there is no other evidence against the applicant, I am of this opinion that this applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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. 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 him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge