

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 810 of 2018**

Ravishankar @ Babloo, S/o. Hiralal, Aged About 30 Years, Caste Rajwar, Occupation -Agriculture, R/o. Village Bisunpur, P.S. Surajpur, Tehsil Ramanujnagar, District Surajpur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Ramanujnagar, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/08/2018**

1. Apprehending arrest in connection with Crime No.26/2018, registered at Police Station – Ramanujnagar, District – Surajpur (C.G.) for offence punishable under Section 307, 353, 382, 186, 279, 337, 379 of the Indian Penal Code and Section 33 of Indian Forest Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case only on the basis of the memorandum statement given by co-accused person, which is not legally admissible evidence. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On the date of incident, the police personnel of police station Ramanujnagar were trying to stop the vehicle driven by Ashraf, when the vehicle dashed against the tree, some persons, who were in company of the driver, Ashraf fled away from the spot. During the investigation, the name of this applicant has appeared in the memorandum statement given by co-accused Ashraf that he was present in the vehicle in which the illegal forest wood was being transported on that basis, the applicant has been made accused in this case.
6. Considered the submissions made and the documents placed on record. After due consideration on all the material present in the case record, this Court is of the opinion that present is a fit case, in which the applicant should be extended the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram