

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 895 of 2018

- Amritlal Sarthi S/o Penkuram Sarthi Aged About 36 Years R/o Village Jarekela, Police Station, Tehsil Tamnar District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Tamnar District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. A.S. Rajput, Advocate.
For Respondent/State : Mr. Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.135/2018 registered at Police Station-Tamnar, District – Raigarh(C.G.), for the offence punishable under Section 436 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case only on the basis of doubt against him, which was expressed by the complainant in the FIR lodged by him. There is no eyewitness that this applicant was the person, who has set fire to the vehicles etc. and also there are no elements present in the complaint to show that it is a case of under

Section 436 of IPC. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard the parties and perused the case diary.
5. FIR has been lodged by complainant Amarlal Agariya that on the date of incident his tractor was set to fire and he had doubts that applicant is the person behind it because he was seen on the place of incident just before the time of incident. Similarly 5 other vehicles were also burnt on the same day. Hence, this case.
6. After due consideration on entire material present in the case diary against the applicant, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. Accordingly, the anticipatory bail application 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha