

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 929 of 2018

- Sundermani Patel S/o Bodhram Patel Aged About 36 Years Caste Aghariya, R/o Village Komo, P. S. Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Stationdabhara District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Rakesh Kumar Behra, Advocate.

For Respondent : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.273/2018 registered at Police Station- Dabhara, District – Janjgir Champa (C.G.), for the offence punishable under Sections 379/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits, that applicant is innocent and has been falsely implicated in the crime in question because of the previous enmity with complainant Dwarika Prasad Patel. The name of this applicant in FIR has been mentioned by the complainant only on ground of suspicion, therefore, no case is made out against the

applicant. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned counsel for the respondent/State opposes the application and submissions made in this respect. It is submitted that named FIR has been lodged by complainant against the applicant and three other persons. Hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged against unknown persons by complainant Dwarika Prasad Patel, that bundles of barbed wire were stolen from his agricultural fields raising suspicion on the name of this applicant and other three accused persons.
6. Considering on the investigation that has been made so far by the police in this case and the nature of allegation that has been made, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application of applicant 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/- each 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha