

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 996 of 2018

- Mohd. Fajal Haque S/o Haji Abdul Haque Aged About 50 Years
Occupation Bus Operator, R/o Kharsiya Naka Police Station And Tahsil
Ambikapur, District- Surguja, Chhattisgarh., District : Surguja
(Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Chowki Morga, Police
Station Bango, District- Korba, Chhattisgarh., District : Korba,
Chhattisgarh

---- Respondent

For Applicant : Mrs. Hamida Siddiqui, Advocates.
For Respondent : Mr. Lav Sharma, Panel Lawyer.
For Objector : Mr. S.R.J. Jaiswal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.90/2018 registered at Police Station- Police Chowki Morga, P.S. Bango, District – Raipur(C.G.), for the offence punishable under Sections 394, 365, 323, 506, 342, 34 of the Indian Penal Code.

2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him. The applicant himself was not present at the place where the incident had occurred. The allegation that he has given threat to the complainant on phone is totally false. Hence, it is prayed that he be enlarged on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that as per complaint made and the statement of Dileshwar, helper of truck, he was kidnapped. It is clear that this applicant has played a role in confining the abducted person in his office and also threatened the abducted person and the complainant to make a demand for the repairs of bus concerned. Hence, no case is made out for grant of anticipatory bail.
4. Adopting the arguments advanced by learned State Counsel, it is submitted by learned counsel for objector that the evidence collected in the course of investigation clearly shows the active involvement of the applicant in the crime in question. Hence, the application is liable to be rejected.
5. Heard both the parties and perused the case diary.
6. According to the case against the applicant, on the date of incident, the bus operated by this applicant collided with the truck operated by the complainant. Because of this incident, a scuffle took place between the driver and staff of the bus with the driver and staff of the truck. It is alleged that driver and staff of the bus looted the mobile set, key of the vehicle and cash Rs.5,000/- from the driver of the truck and one helper of the truck was abducted and kept in confinement in the office at Ambikapur for some time. The allegation against this applicant that he

made a phone call to the complainant making demand to pay for the repair for the bus and he also threatened the complainant with dire consequences.

7. Considering the entire facts and circumstances of this case and further considering the fact that applicant was not himself present on the spot and the only allegation against him is that he made a phone call and that he was present in the office where one of the staff deployed in the truck of complainant was kept in temporary confinement for some time, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
8. 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