

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1200 of 2018**

- Md. Nadeem Azmi S/o Md. Siraj Azmi Aged About 33 Years R/o Takiya Para, Behind Babla Kiarana, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Somani, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Sourabh Dangi, Advocate.
For Respondent/State : Mr. N.K. Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/10/2018

1. Apprehending arrest in connection with Crime No.41/2018, registered at Police Station –Somani, District – Rajnandgaon(C.G.) for offence punishable under Section 413 of the Indian Penal Code, 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. The applicant is a registered scrap dealer regarding which documents attached along with the application. Applicant had made purchase of all the scrap items that have seized from the co-accused in this case from the

scrap yard of this applicant. No case is made out of theft of the articles that has been seized in this case and applicant is ready to account for each and every item that has been seized in this case. Hence, it is prayed that applicant 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. It is submitted that the investigation is at initial stage. Hence, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Police personnel of PS-Somani raided the scrap yard of this applicant on 22.4.2018 and made a seizure of number of articles that were found, from the co-accused person present on the spot. The seizure has been made on suspicion, that the seized articles may be stolen property. Hence, this case.
6. Considered on all the material present in the case diary, it appears that there is no such investigation made for far to find out the owner of the alleged stolen property and neither there is any investigation to show that the applicant is habitual in receiving the stolen property. Hence, after due consideration, I am of this opinion that the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. 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 his 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 applicants 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_