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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1280 of 2018**

Dhanesh Pandey, S/o. Anil Pandey, Aged About 30 Years, R/o. Shiv Chowk, Katiyapara, Juna Bilaspur, PS City Kotwali, Tahsil and District Bilaspur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Collector, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shailesh Puriya, Advocate

For Respondent/State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/10/2018**

1. Apprehending arrest in connection with Istigasa No. 11/2018, registered at Police Station – Sirgitti, District – Bilaspur (C.G.) for offence punishable under Section 379 of the Indian Penal Code and Section 41 (1-4) of the Cr.P.C., 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 and no offence is made out on the basis of the evidence present in the case diary. Seizure of scrap has been made from this applicant, even then he has not been arrested, but he apprehends his arrest. Therefore, it is prayed 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 basis of some confidential information, the scrap yard of this applicant was raided and seizure of scrap worth Rs.13,000/- has been made by the police personnel of police station – Sirgitti. The applicant was unable to produce any document authorizing his possession on the seized material. Hence, this case.
6. Considered the submissions made and the contents of the case diary. As the police has not been able to find out any person having claim over the seized property so far, hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
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