

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1275 of 2018**

G. Prasad, S/o. G. Venketashwar Rao, Aged About 31 Years, R/o. Madded. P. S. Madded, District Bijapur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : P. S. Awapalli, District Bijapur Chhattisgarh.

---- Respondent

For Applicant : Mr. P.R. Patankar, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/10/2018**

1. Apprehending arrest in connection with Crime No. 04/2018, registered at Police Station – Awapalli, District – Bijapur (C.G.) for offence punishable under Section 420, 379/34 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 simply contractual employee working as Accountant in LAMPS Madded and no case is made out against him according to the material present in the case diary. It is further submitted that there is no evidence present in the case diary regarding the role played by the applicant in the commission of offence. 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. Mohd. Yakub Siddiqui, transport contractor has made a complaint alleging that on 29.01.2018, one of his truck bearing registration No. AP-16TY-5016 was used by this applicant and other accused for transporting 500 bags of paddy from the Marketing Federation Center to Paddy Procurement Center, Biringpal, Jagdalpur. During the transport, the number plate of the truck was changed and fake number plate bearing registration No.AP-31-TY-4648 was used by them. Hence, this case.
6. Considered the submissions made and the contents of the case diary. On perusal of the case diary, it appears that there is no complaint of Marketing Federation regarding loss of paddy or there is no complaint from the other party, who was supposed to receive the paddy. 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