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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1385 of 2018**

1. Benudhar Yadav, S/o. Nilomani Yadav, Aged About 38 Years, By Caste -Mahkul, R/o. Village Gorrapara (Mudekela) P.S. Pathalgaon, District Jashpur Chhattisgarh.
2. Gopal Ram Yadav, S/o. Late Kheto Ram Yadav, Aged About 31 Years, By Caste Mahkul, R/o. Village Bandhdeepa, Nawapara, P. S. Narayanpur, District Jashpur Chhattisgarh.
3. Narottam Yadav, S/o. Late Leeladhar Yadav, Aged About 55 Years, By Caste Mahkul, R/o. Village Gorrapara (Mudekela) P. S. Pathalgaon, District Jashpur Chhattisgarh.

**----Applicants****Versus**

State Of Chhattisgarh, Through : The Station House Officer, P. S. Pathalgaon, District Jashpur Chhattisgarh,

**---- Respondent**


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| For Applicants       | : Mr. Awadh Tripathi, Advocate          |
| For Respondent/State | : Mr. Vijay Bahadur Singh, Panel Lawyer |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****15/11/2018**

1. Apprehending arrest in connection with Crime No.182/2018, registered at Police Station – Pathalgaon, District – Jashpur (C.G.) for offence punishable under Section 454, 380 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is

made out against the applicants according to the material present in the case diary. All the applicants are registered owner of the tractors, which are alleged to be stolen property. In fact the forest officials had unauthorizedly without any lawful proceeding had kept the tractors in their possession inside the depot, which the applicants have brought back, which does not amount to any offence. Hence, for this reason, it is prayed that the applicants 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. According to the case diary, forest officials made seizure of three tractors, which were used to plough the forest land and kept the tractors in their custody, which were unauthorizedly brought back by these applicants without permission of the forest officials. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary there appears to be no proceeding drawn by the forest officials to make the seizure of the alleged stolen property, the tractors, hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
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 applicants in connection with the aforesaid offence, they shall be released on

bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram