

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1503 of 2018**

Jay Shankar Sharma, S/o. Shri Hari Krishna Sharma, Aged About 23 Years, R/o. M.I.G. 2-2651, Housing Board Industrial Estate, Bhilai, Tahsil and District Durg, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Chowki -Jewra Sirsa, Police Station -Pulgaon, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Rahul Tamaskar, Advocate

For Respondent/State : Mr. Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/12/2018**

1. Apprehending arrest in connection with Crime No.337/2018, registered at Police Station – Pulgaon, Chowki – Jewra Sirsa, District – Durg (C.G.) for offence punishable under Section 327, 394 and 450 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 name of the applicant has not appeared in the narration given in the first information lodged by the complainant, even then the name of the applicant and the other co-accused persons have been mentioned in the list of accused persons in the FIR. The applicant is the

member of National Student Union of India because of which, he has been implicated in this case. 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. It is submitted that according to the allegation made, the applicant and other co-accused persons have looted the complainant and others and have threatened them. Hence, for the purpose of recovery, the applicant may be needed for interrogation and discovery of the articles of loot. Hence, the application for grant of anticipatory bail be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Complainant Aman Singh Baghel has lodged FIR that on the date and time of incident, four unknown persons came inside the room and after putting him and his friends under threat, looted the articles, mobile etc. and cash of Rs.350/-. Hence, this case.
6. Considered the submissions made and the contents of the case diary. While lodging the FIR, complainant has not mentioned the name of this applicant and other co-accused persons, even then the name of this applicant is displayed in the list of accused persons for which there is no explanation. 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