

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 244 of 2019**

1. Rakesh Agrawal S/o Ratan Lal Agrawal Aged About 40 Years R/o Kedarpur Ambikapur, P.S. Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Krishna Sarkar S/o Ramesh Sarkar Aged About 40 Years R/o Village Ravindranagar Ajabnagar, P.S. Jairamnagar, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, P.S. Sonhat, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicants : Shri C. Jayant K. Rao, Advocate.
 For the Respondent/State : Shri Rahim Ubwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 88 of 2018, registered at Police Station – Sonhat, District Koriya, Chhattisgarh for the offence punishable under Sections 294, 506 323 and 394 read with Section 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants

on the basis of the material placed before the Court by the prosecution. The offence under Section 394 of the IPC was not present initially in this case and rest of the offences which were registered against the applicants are bailable in nature, however, at the stage of filing of charge-sheet, this offence has been added because of which, these applicants are apprehending arrest. Hence, no case is made out against the applicants under Section 394 of the IPC and therefore, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is a statement of the complainant from the very beginning that his mobile phone was snatched by the applicants. Hence, no case is made out for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged in this case, it is alleged that on the date of incident these applicants came to the spot on account of some dispute and then abused, threatened and assaulted complainant – Bablu Gupta. When complainant – Bablu Gupta tried to make a phone call, his mobile phone was snatched from his hands.

7. On perusal of the statement of the witnesses, it appears that the mobile was though snatched but there is no statement or evidence that it has been taken away by the applicants. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicants should be

benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 in the like sum to the satisfaction of the concerned Investigating Officer. They 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)

Judge