

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 251 of 2019**

Surya Prakash Chaturvedi S/o Late Shri Raghunath Chaturvedi Aged About 19 Years R/o Ward No. 13, Indra Chowk Lawan, Police Station Kasdol, District (Revenue And Civil) Baloda Bazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Palari, District (Revenue And Civil) Baloda Bazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sumit Jhawar, Advocate.
For the Respondent/State : Shri Mahesh Mishra, 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 applicant who is apprehending arrest in connection with Crime No. 59 of 2018, registered at Police Station (AJAK) – Palari, District (Revenue and Civil) Balodabazar, Bhatapara, Chhattisgarh for the offence punishable under Section 379 and 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case on the basis of the memorandum statement given by co-accused – Dharmendra Kumar. Apart from that, there is neither any evidence against him nor any complaint pending for investigation. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. According to the FIR lodged, one mobile phone worth Rs.8,000/- was stolen by one Dharmendra Kumar who was arrested and interrogated and he has made a statement that this applicant with other persons also engaged in commission of offence of theft of one mobile and some cash. As it appears that there is no such complaint regarding theft of other mobile and cash, and with respect to the FIR lodged in this case, no recovery has to be made from this applicant, I am of the opinion that the present is a fit case where the applicant is entitled to be released on anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge