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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 291 of 2019**

Shabbir Shendare S/o Shri Dalsay Shendare Aged About 32 Years R/o Isaipara, Ward No. 09, Mahasamund, Thana, Tahsil And Revenue District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The Station House Officer, Police Station Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.03.2019**

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. 550 of 2018, registered at Police Station Mahasamund, District Mahasamund, Chhattisgarh for the offence punishable under Section 395, 364A, 384, 294 and 506 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on

the basis of the material placed before the Court by the prosecution. The name of this applicant has appeared only in the memorandum statement given by the co-accused persons. There is nothing left to be recovered and seized from the possession of this applicant. Similarly placed co-accused persons, namely, Rupesh Mahilang and Kunal Rangari have been granted bail by this Court in M.Cr.C.(A) No. 1725 of 2018, vide order dated 23.01.2019. 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. It is submitted that there may be requirement of custodial interrogation in this case. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. Complainant – Mithlesh Kumar Das has lodged FIR that he was abducted by one Raju Giri with the help of some unknown persons and then they looted of his possession a cash of Rs.10,400/- and one mobile phone on the point of a fake gun.

7. Considered the entire material present in the case-diary. The name of this applicant has appeared only in the memorandum statement and the applicant is subjected to identification parade even after he is granted anticipatory bail. Hence, for these reasons, I am of the opinion that the

present is a fit case where the applicant is entitled to be released on anticipatory bail.

8. 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