

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 303 of 2019**

Jeetu @ Jitendra Yadav, S/o. Late Gokul Yadav, Aged About 34 Years,
R/o. Imlibhantha, Mahasamund, Police Station and Tahsil Mahasamund,
District Mahasamund Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Shubham Tripathi, Advocate
For Respondent/State	: Mrs. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/03/2019**

1. Apprehending arrest in connection with Crime No.550/2018, registered at Police Station – Mahasamund, District – Mahasamund (C.G.) for offence punishable under Section 364-A, 395, 384, 294, 506 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. No case is made out against the applicant on the basis of the material present in the case diary. His name has been reflected only in the statement given by co-accused on memorandum, which is not a legally admissible evidence. Similarly placed co-accused persons namely Rupesh Mahilang and Kunal Rangari have been granted anticipatory bail by this Court in M.Cr.C.(A) No.1725/2018 vide order dated 23.01.2019. Therefore, it is prayed that 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.
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 FIR lodged, the co-accused Raju along with four other co-accused persons abducted and confined Mithlesh Kumar Das for the purpose of looting and demanding ransom. Thereafter, the complainant was looted of his possession cash of Rs.10,400/- and mobile phones by putting him under threat at the point of fake gun.
6. Considered the submissions made and the contents of the case diary. After perusing the evidence present in the case diary and considering this fact that there is no such statement made by other co-accused that any article has to be seized and recovered from this applicant and also for the reasons that similarly placed co-accused persons have been granted anticipatory bail, 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

Balram