

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No. 400 of 2019**

Madan Lal Nag S/o Shri B.R. Nag, aged about 54 years, R/o Nagari,
Distt. Dhamtari (CG).

-----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Narayanpur, District Narayanpur (CG).

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate.
For Respondent	:	Shri Rahul Mishra, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

26/04/2019

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.28 of 2014 registered at Police Station Narayanpur, Distt. Narayanpur, for the offence punishable under Section 306/34 IPC.
2. It is said that subsequently the police authorities have submitted a closure report to the Magistrate after investigation and finding that the applicant is not involved in any manner for the death of the deceased R.P. Soni. The counsel for the applicant at this juncture submits that co-accused Rajesh Singh Rana has already been enlarged on anticipatory bail by the co-ordinate Bench of this court in MCRC(A) No.4 of 2019. He further submits that the case of the present applicant is better placed than the co-accused person. The applicant is presently working as Sub Engineer under the respondent and in case if the applicant is arrested, there is all possibility of his losing employment as of now particularly when there is no iota of evidence against the applicant for the said offence as is the finding of the police authorities on investigation.
3. Counsel for the State however opposes the bail application and submits that it is a case where the closure report submitted by the police

authorities infact has been rejected by the Magistrate. This prima facie seems to be sufficient material against the applicant in the commission of the said offence.

4. Having heard learned counsel for the parties and taking into consideration the fact that co-accused has already been enlarged on anticipatory bail by this court and the fact that the police authorities on investigation did not find sufficient evidence against the applicant as is evident from the closure report, coupled with the fact that the applicant is a government employee and there is no apprehension of his absconding, this court is of the view that it is a fit case to grant anticipatory bail to the applicant.
5. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 2. The accused/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;
 3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 4. 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.
6. Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
Judge