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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 562 of 2019**

Gaindlal Kurre (Rahul @ Gendlal Kurre) S/o Late Jhabbu Lal Kurre Aged About 32 Years R/o Village Jhanki, Police Station Abhanpur, Tahsil Abhanpur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Rakhi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.07.2019**

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. 72 of 2019, registered at Police Station – Rakhi, District Raipur, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has been arrayed as accused in this case only on the memorandum statement given by co-accused – Sunil Goswami. The case has been investigated and the charge-sheet has been filed in which, there is no evidence of independent witnesses to connect this

applicant with the case. Hence, it is prayed that the applicant be benefited with grant of 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. 302.4 bulk liters of foreign liquor was seized from the house of co-accused – Sunil Goswami. Co-accused – Sunil Goswami has made a statement before the police that owner of the said liquor is this applicant.

7. On perusal of the case-diary, it appears that no other witness has been examined in the investigation on this point that this applicant has connection with the seized liquor, I feel inclined to grant anticipatory bail to the applicant.

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. He 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 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