

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 621 of 2019

- Ashif Ali, S/o Mr. Mo. Ashraf Ali Aged About 19 Years R/o Vivekanand Ward, Kondagaon, P.S. Kondagaon, District- Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station Kondagaon, District- Kondagaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.

For Respondent : Mr. Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

01/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.301/2018 registered at Police Station-Kondagaon, District-Kondagaon(C.G.), for the offence punishable under Sections 186, 332, 353, 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The name of this applicant has appeared only on the basis of motorcycle found on the spot which was registered in the name of the brother of this applicant and his brother has given statement that the same motorcycle was being used by this applicant, therefore, it is prayed that applicant be granted anticipatory bail.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that the arrest of this applicant is necessary for the investigation purposes to identify him as the person who was present on the spot committing the offences as alleged, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged on the date of incident 8 to 10 person led by one Lucky Arora forced their entry into the camp of I.T.B.P. at Kondagaon and manhandled with some of the personnels of the force and when the other members of the force arrived, he fled from the spot. Hence, this case.
6. After considering the nature of allegation and the evidence on the basis of applicant has been implicated in this case, I feel inclined to allow this application of this applicant.
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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha