

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 731 of 2019

- Akash Kumar Shriwas S/o Late Kamta Prasad Shriwas, Aged About 24 Years, R/o Village - Darri, Jay Bhagwan Gali, Police Station - Darri, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Darri, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Dharmesh Srivastava, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-06-2019

1. Apprehending arrest in connection with Crime No.62/2019, registered at Police Station – Darri, District Korba, Chhattisgarh for offence punishable under Section 457, 380 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him as it is mentioned in the FIR that the applicant was engaged as labourer by the main accused. The only evidence which is present in the case diary against this applicant is in the memorandum statement of main accused Mohammad Abunsar Qureshi. There is nothing more to be recovered in the investigation. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The FIR has been lodged regarding theft of Aluminum ore worth Rs.80,000/-. Co-accused Mohammad Abunsar Qureshi was apprehended and on the basis of his memorandum statement the stolen property was recovered and seized. The name of this applicant has been reflected in his memorandum

statement stating that he was engaged as labourer by the main accused in the said act of offence. Hence, this case.

6. Considering that there is nothing more to be recovered in the investigation and this applicant is not the main accused, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge