

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 931 of 2019**

Aarif Quireshi @ Sonu, S/o. Nizamuddin Quireshi, Aged About 35 Years,
R/o. Near Water Tank Kududand, Bilaspur, P.S. Civil Line Bilaspur, Tahsil
and District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through The Police Station Civil Line, District
Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent : Mr. Adil Minhaz, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****28/06/2019**

1. Apprehending arrest in connection with Crime No.12/2018 (Istgasa), registered at Police Station – Civil Line, District – Bilaspur (C.G.) for offence punishable under Section 379/34 of the Indian Penal Code and 41 (1-D) of Cr.P.C., 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. The applicant is a scrap merchant and it was at his instruction his servant Raja Netam was in possession of this scrap material, which has been seized by the police at the time of patrolling and as the servant could not produce any paper, that is

why case has been registered and later on charge-sheet has been filed U/s. 403 of I.P.C.. In the subsequent development, this applicant has preferred an application for interim custody of the seized article and on the basis of the paper produced, interim custody has been granted in favour of the applicant. Therefore, it is prayed that the applicant may be granted 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 prosecution case on the date of incident, the police patrolling party arrived on the spot, where they found the co-accused in possession of some scrap articles. On asking of the patrolling party, the co-accused could not produce any documents of entitlement, hence the material was seized and case was registered.
6. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary, 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