

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 963 of 2019**

Ashok Rajput, S/o. Late Ramnivas Singh, Aged About 52 Years, Caste-Kshatriya, R/o, Chekpost, Balco Nagar, Thana - Balco Nagar, Tahsil and District- Korba, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : the Police Station, Janjgir, District -Janjgir -Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.S. Rajput, Advocate
For Respondent	: Mr. Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/08/2019**

1. Apprehending arrest in connection with Crime No.8/2019, registered at Police Station – Janjgir, District – Janjgir – Champa (C.G.) for offence punishable under Section 407, 34 of the Indian Penal Code, 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 proprietor of Jai Jagannath Road Carrier and because some dues were to be recovered from the complainant, therefore, his assignment was not delivered to the destination and demand was made, that does not amount to any commission of offence. Similarly placed co-accused persons has been enlarged on bail by this Court in M.Cr.C.(A) No.480/2019, vide

order dated 12.04.2019. Therefore, it is prayed that the applicant may also 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 some machinery was assigned to be transported by Jai Jagannath Road Carrier. It is alleged that the assignment were not delivered at the destination and on making enquiry by the complainant, the applicant admitted to have retained the machinery in his possession to recover some dues from him. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary and further taking into consideration this fact that similarly placed co-accused person has been benefited with grant of anticipatory bail by this Court, hence for this reason, 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