

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1041 of 2019**

Parmeshwar Bhaskar S/o Shri Kundan Bhaskar Aged About 33 Years R/o Village Baijalpur, Police Outpost - Chilfi, Thana- Lormi, District Mungeli Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The Station House Officer, Police Station Lormi, Police Outpost Chilfi, District Mungeli Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Sunil Sahu, Advocate.
For the Respondent/State	:	Shri Neeraj Pradhan, P.L.
For the Complainant	:	Shri Kripesh Kela, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****05.09.2019**

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. 262 of 2019, registered at Police Station – Lormi, police Outpost Chilfi, District – Mungeli, Chhattisgarh for the offences punishable under Section 379 the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. He has not committed any offence of theft. In fact, the applicant had made a complaint against wife of the complainant regarding some irregularities committed in the panchayat activities,

therefore, this false FIR has been lodged. Further, there is evidence to show that the said submersible pump which is alleged to have been stolen has fallen down inside the bore-well because of the breakage of the pipe regarding which, one witness Lалуवaram Sahu has given a certificate Annexure-A/3. 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. It is submitted that there are eyewitnesses in this case who have seen the applicant stealing the submersible pump of the Gram Panchayat. Therefore, on this basis, this applicant is not entitled for grant of anticipatory bail.

5. Learned counsel for the Objector has adopted the arguments submitted by the State counsel and submits that the applicant has created a story in defence that the said submersible pump has fallen down in the bore-well and the person who has given certificate had been examined by the police who had made a different statement. Hence, the applicant is not entitled for grant of anticipatory bail.

6. Heard counsel for both the parties and perused the case diary.

7. FIR has been lodged by complainant – Santosh Kumar Mohale that on 17.5.2019 at about 8:00 am the applicant has stolen the submersible pump of 5 HP with pipe wire etc worth Rs.23,000/-. Witnesses have given statement that they have seen the applicant stealing the said submersible pump.

8. All the submissions that have been made by the applicant can be a ground in defence but for the present, looking to the direct evidence of all the witnesses present, I do not feel inclined to grant anticipatory bail to the applicant.

9. Accordingly, the anticipatory bail application filed under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge