

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 977 of 2019

- Sheikh Javed, S/o Shri Sheikh Suleman, Aged About 29 Years, R/o Village-Sitamani, Korba, Police-Station-Kotwali, District-Korba Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

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MCRCA No. 1158 of 2019

- Shahbaz Khan, S/o Zakir Hussain, Aged About 21 Years, By Caste Musalman, R/o Darri, Police-Station-Darri, District-Korba, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicants	:	Mr. Nitesh Shriwas, Advocate.
For Respondent/State	:	Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/08/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Above applicants have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.62/2019 registered at Police Station-Darri, Korba, District–

Korba (C.G.) for the offence punishable under Sections 457, 380 of the Indian Penal Code.

3. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. There is practically no evidence against these applicants. Their name appears only in the memorandum statement given by the co-accused Abunsar Qureshi which is not legally admissible evidence. Apart from that there is no eyewitness in this case, so that the applicant can be identified by any person, therefore, it is prayed that both the applicants be granted anticipatory bail.
4. Learned State counsel opposes bail applications and submissions made in this respect. It is submitted that applicant in both the case are the main accused in this case, therefore, they are not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. Complainant Suman Kumar Representative of HDPL has lodged FIR alleging that eight tonnes of Aluminium foils were stolen from the premises of the complainant by some unknown persons. During investigation, one Abunsar Qureshi was arrested, who has in his memorandum statement named the applicants as the persons involved in the same incident, that is the only evidence present.
7. After considering all the facts and circumstances present in the case diary, I feel inclined to allow her application.
8. Accordingly, anticipatory bail application of applicants are allowed and it is directed that in the event of their arrest in connection with aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/-

each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 them/their 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 applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge