

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1215 of 2019**

Pappu @ Paplesh Wasnik S/o Late Bhairam Wasnik Aged About 25 Years
R/o Indraprastha Colony RDA Colony, Raipura, Police Station DD Nagar,
Raipur, Chhattisgarh,. Mobile No. 7987703324., District : Raipur,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Telibandha, Raipur, District
Raipur Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 1232 Of 2019**

Ghanshyam Das Nathani S/o Lt. Mr. Gangadas Nathani Aged About 60
Years R/o Shri Ganga Niketan, Civil Lines, Raipur, Chhattisgarh.

---- Applicant**Vs**

The State Of Chhattisgarh Through The Station House Officer, Police
Station Telibandha, Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Kishore Bhaduri, Shri N. Naha Roy, Shri Pragalbha Sharma and Shri Sabyasachi Bhaduri, Advocates.
For the Respondent/State	:	Shri Jitendra Shukla, P.L.
For the Objector	:	Shri Badruddin Khan, Advocate.

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

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.331 of 2019

registered at Police Station – Telibandha, District Raipur, for the offence punishable under Sections 380, 448 and 454 read with Section 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. Initially, the only offence was registered under Section 448 of the IPC but later on, the offences under Sections 380 and 454/ 34 of the IPC have been added without any substance.

On behalf of applicant – Ghanshyam Das Nathani in M.Cr.C.(A) No.1232 of 2019, it is submitted that he is not the landlord of the house in question. According to the tenancy agreement, owners of the house are Abhishek Nathani and one another, therefore, he has no connection with the said allegation. Apart from that, the contents of the FIR show that only some telephone calls were made to this applicant by the complainant and there is no allegation of any overt act against the applicant. Hence, it is prayed that applicant – Ghanshyam Das Nathani in M.Cr.C.(A) No.1232 of 2019 is entitled for grant of anticipatory bail.

On behalf of applicant – Pappu @ Paplesh Wasnik in M.Cr.C.(A) No.1215 of 2019, it is submitted that he was working as an agent through whom the tenanted house was provided to the complainant and therefore, he has no connection with the offence committed, if any. Apart from that, the complainant herself has filed an application with affidavit in support of the application of this applicant stated that she has no objection in grant of anticipatory bail to him. Hence, it is prayed that applicant – Pappu @ Paplesh Wasnik in M.Cr.C.(A) No.1215 of 2019 is entitled for grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statement given by the complainant there is evidence present against these applicants regarding commission of offences of house trespass and threat, therefore, they are not entitled for grant of anticipatory bail.

4. Learned counsel for the Objector adopts the arguments advanced by the State and submits that the complainant had to make numerous efforts for lodging of FIR against these applicants because the applicants are influential persons. It is further submitted that the household articles have been removed from the house from where she was staying without her permission and they are still not traceable. Hence, for these reasons, none of the applicants deserve to be enlarged on anticipatory bail.

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

6. FIR has been lodged by complainant – Subhashini Sharma that she was living in a rented house in B-5, Ashoka Park. She states that applicant – Ghanshyam Das Nathani in M.Cr.C.(A) No.1232 of 2019 was the landlord of the same house. When she was residing with her brother-in-law, in her absence and without her consent, her household articles were removed by these applicants and one accused – Anjani Pandey and thus, they have committed the offence of house trespass and theft.

7. On perusal of the FIR and the statement, it is found that household articles were removed by co-accused – Anjani Pandey. There are details of only telephonic calls made to applicant – Ghanshyam Das Nathani in M.Cr.C.(A) No.1232 of 2019 regarding the objections made by the complainant to him and further, for the reason that the complainant has no objection for grant of anticipatory bail to applicant – Pappu @ Paplesh Wasnik in M.Cr.C.(A) No.1215 of 2019, I feel inclined to grant anticipatory bail to the applicants in both the cases.

8. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

9. It is directed that in the event of arrest of the applicants in both the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They 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 from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants 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