

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1373 of 2019

Anjani Pandey S/o Shri Ramadhar Pandey, Aged about 38 years R/o Sai Vihar,
Siltara, P.S. Siltara, Distt. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station of Police Telibandha, Distt. Raipur
(C.G.)

---- Respondent

For Applicant	:	Mr. Pragalbha Sharma, Advocate
For Respondent	:	Mr. Ajay Kumbhrani, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

17/10/2019

1. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 331/2019 registered at police station Telibandha, Raipur (C.G.) for the offence punishable under Sections 380, 448, 454 read with 34 of the Indian Penal Code.
2. As per prosecution story, an FIR has been lodged by one Subhashini Sharma stating therein that she was living in a rented house in B-5, Ashoka Park. Co-accused Ghanshyam Das 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 the Applicant and co-accused persons, thus they have committed the offence of house trespass and theft. On the basis of said, offence has been registered.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. Prima-facie no offence is made out against the Applicant. There is no detail that what articles have been stolen from the house. It is further submitted that settlement has been taken place between the parties. Other co-accused persons namely Pappu @ Paplesh and Ghansyam Das have already been granted benefit of anticipatory bail vide order dated 05/09/2019 passed in MCRCA Nos. 1215 and 1232 of 2019. He prays that since compromise has taken place between the parties, therefore, the Applicant may be given benefit of anticipatory bail.
4. On the other hand, learned counsel appearing on behalf of the State opposed the bail application and submits that according to the material contained in the case diary, prima-facie the case lodged against the Applicant is made out and therefore, his bail application may be rejected.
5. I have heard counsel for the parties and perused the record.
6. Taking into consideration the submission put forth on behalf of the parties, particularly considering compromise has taken place between the parties and other co-accused persons have already been given benefit of anticipatory bail, without further commenting on merit of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicant.
7. Accordingly, this bail application is allowed.
8. It is directed that in the event of arrest, the Applicant shall be released on bail on his furnishing a bond in the sum of Rs.20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- i. That, the accused/Applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/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. The accused/Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. 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.

9. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge

Rahul