

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1438 of 2019**

- Ashok Khatik S/o Late Shri Punnu Lal Khatik, Aged About 27 Years Caste Sunkar, R/o Ward No. 30, Big Bazar, Chirmiri, Tahsil Khadgawa, District Korea, Chhattisgarh.

----Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Chirmiri, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****26/11/2019**

- The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 75/2019 registered at Police Station Chirmiri, District – Korea, (C.G.). for the offence punishable under Sections 186, 506, Part – II, 379, 34 of Indian Penal Code.
- As per the prosecution story, in the intervening night of 14 & 15 March, 2019, Forest Department has initiated proceedings to catch the thief of coal and search was conducted. During search, two truck bearing No. CG 15 ZD 0117 and CG 15 ZD 0115 were stopped and caught and seizure proceedings were started. During that juncture, two persons reached the spot and started quarrel with the forest official i.e. complainant Ram Singh Marko and they have beaten him also.

Thereafter, they started the truck in which the alleged stolen coal was loaded and ran away. On the basis of the complaint made by the complainant, offence has been registered against driver of the truck and two unknown persons. During course of investigation, memorandum statement of co-accused Ravi (Driver) was recorded in which he has disclosed the fact that present applicant was also involved with the other co-accused persons who helped in taking away the stolen coal in truck.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there is no any material available on record against the present applicant. Applicant has been implicated only on the basis of memorandum statement of co-accused Ravi. It is further submitted that no T.I.P. has been conducted by the prosecution. Therefore, *prima facie*, no case can be made out against present applicant. Looking to the above, it is prayed that applicant may be granted the benefit of anticipatory bail.
4. Learned Counsel appearing for the State oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that no T.I.P has been conducted by the prosecution and applicant has been implicated only on the basis of memorandum statement of the co-accused Ravi, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on

furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge