

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1621 of 2019

Dhanesh Bhardwaj @ Dinesh, S/o Mayaram Bhardwaj, aged about 30 years, R/o Bhikhampura, Tahsil Saragarh, District Raigarh (CG).

---- Applicant

Versus

State Of Chhattisgarh, through Station House Officer, Police Station Chhal, District Raigarh (CG).

---- Non-applicant

For Applicant : Mr. Tarun Dansena, Advocate.

For Non-applicant : Mr. Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

15.10.2019

1. This is second application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant.
2. The applicant is apprehending his arrest in connection with Crime No. 67/2019 registered at Police Station- Chhal, District Raigarh (C.G.) for offence punishable under Sections 379, 511, 34 of the Indian Penal Code.
3. The first application for grant of anticipatory bail of the applicant was dismissed for want of prosecution by this Court vide order dated 09.08.2019 passed in M.Cr.C.(A) No.958/2019.
4. Case of the prosecution, in brief is that on 19.04.2019 at about 11:00 p.m. at village Keeda from the land of complainant Balam Sai, co-accused Jeth Singh Manjhwa and six other persons cut two-three pieces of Teak tree for the purpose of stealing.
5. Learned counsel for the applicant submits that the applicant has no

criminal background. He is an innocent person and has been falsely implicated in the present case, therefore, he may be granted anticipatory bail.

6. On the other hand, learned counsel for the State opposes the bail application, however he submits that there is no criminal antecedent against the applicant as per police case diary.

7. The role of the applicant is described in the memorandum of co-accused Jeth Singh Manjhwa, which was admissible in the evidence. There is no Test Identification Parade of the applicant.

8. Looking to the above mentioned facts and circumstances of the case, this Court is inclined to give benefit of Section 438 of the Cr.P.C. to the present applicant.

9. Consequently, MCRCA is allowed.

10. It is directed that in the event of arrest of the Applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him 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. The Applicant shall also abide by the following conditions :

(i) that the Applicant shall make himself available for interrogation before the concerned police officer as and when required;

(ii) that the Applicant shall not, directly or indirectly, make any inducement, threat undue influence to the prosecution witnesses.

(iii) the Applicant shall appear before the trial Court by 11:00 am on each and every date given to him by the concerned Court till disposal of the trial.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE