

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1530 of 2018**

Surya Varma, S/o. Chedi Lal Varma, Aged About 31 Years, R/o. Village Gidhori, Police Station Gidhori (Tundra), District (Revenue and Civil) Balodabazar-Bhatapara Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station Gidhori (Tundra), District (Revenue and Civil) Balodabazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Jhanwar, Advocate
For Respondent/State	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/01/2019**

1. Apprehending arrest in connection with Crime No.166/2017, registered at Police Station – Gidhori (Tundra), District – Balodabazar – Bhatapara (C.G.) for offence punishable under Section 4(A) of the Gambling Act and Section 34 (2) of Excise Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. Totally false case has been registered against the applicant. Seizure of satta-patti and illicit liquor has been made from one abandoned car, which was parked in front of the shop of

this applicant, which the applicant has no connection. The car that has been seized is registered in the name of one Khatbadan Singh of Balodabazar. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the applicant was present on the spot when the raid was conducted but he has made his escape, therefore, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The police personnel of police station Gidhori received confidential information that the applicant is taking bets from the crowd sitting in a car bearing No.C.G.-22/AB-5874. It is alleged that when the police personnel arrived, this applicant fled from the spot and thereafter, seizure of satta-patti and illicit liquor of 15 bulk liter were made, which was present in the dickey of the said car.
6. Considered the submissions and the contents of the case diary. Considering on the entire material present in the case diary, the car is not registered in the name of this applicant and the investigation is pending since about more than one year without any progress, hence, for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 investigating officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram