

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1631 of 2018

- Sourabh Waid S/o Trilokchand Waid Aged About 34 Years, R/o Hira Moti Line, Rajnandgaon, Tahsil and District - Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lalbagh, District - Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri Aditya Bhardwaj, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-01-2019

1. Apprehending arrest in connection with Crime No.260/2018, registered at Police Station – Lalbagh, District - Rajnandgaon, Chhattisgarh for offence punishable under Section 379/34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. This applicant was not present on the spot where the illegal excavation of *murum* was being done by the other accused persons. His name has appeared only in the statement given by the co-accused persons to the mining officer which does not make out a case. The seized JCB machines are not owned by this applicant, neither he has hired the same. Hence, he has no connection with the crime committed. Therefore, it is prayed that this applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the co-accused persons have named this applicant before the mining officer which is not a statement before the police officer, therefore, the involvement of this applicant in the crime committed is made out, hence, the application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. Assistant Mining Officer Heeralal Bhardwaj received a complaint about illegal mining of *murum* and he made an enquiry and on the spot he found Raja Yadav, Dileshwar, Sukhdev and Shrawan Kumar operating JCB machines for illegal excavation. Then before him the abovementioned persons gave statement that they were acting on the instructions given by this applicant and one co-accused Naveen Agrawal. Hence, this case.

6. After considering on the entire material present in the case diary, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge