

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1623 of 2018

- Prabhash Kumar Bharti (Gupta) S/o Mahendra Prasad Gupta, Aged About 33 Years, R/o Shubh Regency, Chakarbhata Bodri Camp, Police Station Chakarbhata, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Urga, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Rohit Sharma, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-01-2019

1. Apprehending arrest in connection with Crime No.230/2018, registered at Police Station –Urga, District Korba, Chhattisgarh for offence punishable under Section 379, 411 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. The name of this applicant has come in the memorandum of one of the co-accused persons which is not legally admissible. Some of the co-accused persons who have been arrested have already been granted bail by the coordinate Bench. Hence, 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.
4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Deepak Agrawal has lodged the FIR alleging that his truck bearing registration No.CG 12 AV 1559 loaded with coal was stolen by some unknown person. During investigation it was revealed that first person who

stole the truck was Harish Gupta, who sold the stolen coal to one Niket Sharma, who, in turn, sold the said coal to one Yogendra Patel and according to his memorandum statement the coal was unloaded in the yard of this applicant.

6. It has been submitted that the applicant is licensed coal dealer. Hence, after due consideration, 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