

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1650 of 2018

- Bharat Patel S/o Shri Jagannath Patel Aged About 25 Years R/o Village Komo ,police Station Dabhara ,district Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, police Station Dabhara District Janjgir Champa Chhattisgarh. District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Rakesh Kumar Behera, Advocate.
For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/01/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.273/2018 registered at Police Station-Dabhara, District – Janjgri-Champa(C.G.), for the offence punishable under Sections 379/34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The FIR has been lodged is named. Name of this applicant has appeared only on the basis of suspicion, which is baseless. Similarly placed co-accused person Sundermani Patel has

been granted anticipatory bail by this Court, hence, it is prayed that he may also be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that name of this applicant is named along with three others as the person who have possibly committed the theft of barbed wire, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. Complainant Dwarika Prasad Patel has lodged FIR regarding theft of barbed wire in his agricultural field and raised suspicion in the name of this applicant and other three accused persons.
6. After considering the entire material present in the case diary and also this fact that similarly placed co-accused person has been granted anticipatory bail, for this reason, I am of this view that this is a fit case where the applicant should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha