

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1639 of 2019

- Nilesh Tiwari S/o Mithlesh Tiwari Aged About 22 Years R/o Namnakala Near Power House, Ambikapur P.S. Gandhinagar Tahsil Ambikapur District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowki Manipur, P.S. Ambikapur District Surguja Chhattisgarh

---- Respondent

For Applicant	: Mr. Sunil Tripathi, Advocate.
For Respondent/State	: Mr. Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/01/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 449/2019, registered at Police Chowki Manipur, Police Station Ambikapur, Distt. Surguja (C.G.) for the offence punishable under Sections 392 & 34 of the IPC.
2. As per prosecution story, complainant Shankar Ram made a written report against unknown person in concerned police station alleging therein that two unknown persons under the allurements took him near Kharsiya Petrol Pump, Ambikapur and snatched Rs. 10,000/- from him. On the basis of said written report, offence has been registered. During course of investigation, co-accused Shanu Kedia was arrested and on its interrogation, he disclosed the name of present applicant that he was also involved in the crime in question.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case only on the basis of memorandum statement of co-accused Shanu Kedia. He further submits that report has been lodged against unknown persons, no test identification parade was conducted even for co-accused Shanu Kedia and the charge-sheet has already been filed. Prima facie no evidence available on record against the applicant on the basis of which any case can be made out against him except memorandum statement of co-accused Shanu Kedia. The counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that except memorandum statement of co-accused Shanu Kedia, there is nothing on record against the applicant. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer

as and when required;

- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge