

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1934 of 2019

1. Suryakumar Baghel, S/o Mahettar Baghel, Aged About 26 Years R/o Village Birgahani, Police Station And Tahsil Baloda, District- Janjgir Champa, Chhattisgarh.
2. Ajay Kurrey S/o Saheb Lal Kurrey Aged About 24 Years R/o Village Birgahani, Police Station And Tahsil Baloda, District- Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Masturi, Civil And Revenue, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Nitansh Kumar Jaiswal, Advocate.
For Respondent/State : Smt. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/02/2020

1. The Applicants are apprehending arrest in connection with Crime No. 295/2019 registered at Police Station Masturi, District – Bilaspur, (C.G.) for the offence punishable under Section 379, 34 of Indian Penal Code and Section 41 (1-4) of Cr.P.C.
2. Facts of the case in brief is that, on the intervening night of 29/30.07.2019, during patrolling one vehicle bearing registration number CG-12-R-6054 was found from where some persons tried to escape from police. On the basis of suspicion, police took Ravishankar Rathore and one Pravin Kurre into custody. Thereafter,

they disclosed the fact that they have stolen diesel from the petrol pump. Police have seized total 70 litres of diesel from them. It is alleged that, present applicants are also involved in the crime in question. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that name of the applicants are not mentioned in the F.I.R. Applicants have been implicated in the present case only on the basis of memorandum statement of co-accused Ravishankar. Looking to the above, it is prayed that present applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :
 - (i) They 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 from disclosing such fact to the Court,

- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge