

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1916 of 2019**

- Pitamber Yadav S/o Ugrasen Yadav Aged About 35 Years, Caste - Mahakul R/o Village - Bhumra, Police Station Kunkuri, Tahsil - Distt. Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Kunkuri Distt. - Jashpur Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjay Agrawal, Advocate
For Respondent/State	: Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/02/2020

1. The applicant has preferred this first bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 96/2019 registered at Police Station Kunkuri, District – Jashpur, (C.G.) for offence punishable under Section 379/34 of I.P.C.
2. Facts of the case, in brief, is that complainant Shiv Kumar made a complaint before the police station stating therein that on 21.06.2019 some unknown persons stole his ox. On being searched, it was found that two thief namely Anwer and Taj had kept the ox with them. It is further alleged that co-accused Taj run away and co-accused Anwer was produced before the police station. Allegedly, co-accused Anwer disclosed the fact that he and Taj had stolen the ox and were trying to sell the ox with the help of the present applicant. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case is made out against present applicant. Applicant is implicated in the present case only on the basis of disclosure made by co-accused Anwer and apart from this no other evidence is available against present applicant. Also, the statement of Anwer is not admissible. Looking to the above, it is prayed that applicant may be released on 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 applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his 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. He shall also abide by all the following terms and conditions :

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which may be prejudicial to fair and expeditious trial, and
- (iii) He 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