

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1898 of 2019

1. Mukesh Sahu, S/o Nawal Sahu Aged About 26 Years R/o Devnandan Nagar, Phase - 2, Bilaspur, District - Bilaspur, Chhattisgarh.
2. Arvind Sahu S/o Shri Ramprasad Sahu Aged About 31 Years R/o Rajkishore Nagar, Plot No. 128, District - Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through - The Station House Officer, Police Station - Torwa, Bilaspur, District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants	: Mr. J.K. Saxena, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/05/2020

1. The applicants have 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. 334/2019, registered at Police Station Torwa, Distt. Bilaspur (C.G.) for the offence punishable under Section 379/34 of the IPC.
2. In this case there are total 5 accused persons. As per prosecution story, on 02.10.2019, N.S. Tripathi, Project Manager of Amrit Jal Yojna lodged a report with the averment that he has kept 28 numbers of ductile pipe of said Amrit Jal Yojna. On 28.09.2019, when he reached the spot, he found that total 190 numbers of pipe have been stolen by some unknown persons. On the basis of report made by N.S. Tripathi, offence has been registered against unknown persons. During course of investigation, co-accused persons Avinash, Ankush and Gendram were arrested. In the statement off Avinash recorded under Section 27 of the Evidence Act, he disclosed the fact that the applicants are also involved in the crime in question.
3. Learned counsel appearing on behalf of the applicants submits that the

applicants are innocent and have been falsely implicated in the present case. He further submits that there is no direct evidence available on record against the applicants, they have been implicated only on the basis of memorandum statement of Avinash. The Counsel further submits that main accused persons Avinash, Ankush and Gendram are already granted benefit of bail. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
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 there is no direct evidence available on record against the applicants. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants 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