

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 136 of 2021**

- Jamaluddin Khan, S/o Abdul Majid Khan, Aged About 45 Years, R/o Pragati Vihar Colony, Santoshi Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station - Khamtarai, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rahim Ubwani, Adv.
For Respondent/State	: Mr. B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.06.2021**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 07/2021 registered at Police Station- Khamtarai, District Raipur (C.G.) for commission of the offence punishable under Section 394 of IPC.
3. Case of the prosecution is that, the allegation upon the present applicant is that his employees have assaulted and abused the driver of the complainant and have looted a sum of Rs. 65,000/- from him and have seized the truck of the complainant. Based on this, offence was registered against the present applicant.
4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in this case. He further submits that allegations made against the applicant is not based on true facts and the vehicle was financed through TATA Motor Finance by the complainant and since

February 2020 to till date he was not paying the installment amount that was due and false FIR has been registered against the applicant, therefore, the present applicant may be granted anticipatory bail.

5. On the other hand, counsel for the State however opposes the application for anticipatory bail submitting that there is serious allegation made out against the applicant, therefore, no case is made out to release him on anticipatory bail.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the relevant documents annexed therein, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- with one local surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation before the concerned 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 or the case 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 him by the said Court till disposal of the trial.

**Sd/-
(Rajani Dubey)
Judge**