

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 274 of 2021**

- Chhatrapati Neelkanth Bangre S/o Shri Neelkanth Bangre, aged about 40 years, R/o Korchi, Tehsil Korchi, District Gadchiraoli (Maharashtra)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Police Station Chhuria, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Mr. S.S. Baghel, Advocate.
For Respondent.	:	Mr. B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/06/2021**

Proceeding through video conferencing.

1. 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.191/2016 registered at Police Station - Chhuria, District Rajnandgaon (C.G.) for commission of the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution case, in brief, is that in the night intervening 24-25/08/2016, on the basis of secret information, the police of police station Chhuria arrested the co-accused persons who were carrying illicit liquor in their Bolero. Further case is that the present applicant flee from the spot. Based on this, offence has been registered against the applicant.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the crime in question. He further submits that the main accused persons from whom the alleged recovery of liquor was made have been acquitted by the trial Court. Learned counsel also submits that the applicant undertakes to abide by any conditions so imposed by this Hon'ble Court. The present applicant has no criminal antecedent, therefore, he may be granted anticipatory bail.

4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the fact that main accused persons have been acquitted by the Court below, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. 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/medical examination 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 of 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