

1.

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 286 of 2021

Raj Kumar Jaiswal S/o Bhuneshwar Jaiswal Aged About 32 Years
Occupation Service, R/o Ghanshyam Nagar, Tapkara, District :
Jashpur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through P.S. Chakradhar Nagar, District :
Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. N. Naha Roy, Advocate.

For Respondent/State : Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24.05.2021

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First 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.68/2021, registered at Police Station: Chakradhar Nagar, District: Raigarh (C.G.) for the offence punishable under Section 381, 34 of IPC.
3. According to the case of prosecution, on 01.02.2021, a complaint was lodged against the Applicant and other co-accused persons namely Ramsaloni & Shantanu Bhardwaj alleging therein that the present Applicant instigated the co-accused Ramsaloni to commit theft out of the cash box of foreign liquor shop and thereby the Applicant committed crime-in-question. On the basis of said, offence has been registered.

2.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and is falsely implicated in the present case due to some dispute with the co-accused Shantanu Bhardwaj. He further submits that there is no any evidence against the present Applicant, main allegations are against co-accused Ramsaloni who has committed theft from the liquor shop. Since, there is no direct allegations against the present Applicant therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, after going through the contents of FIR and also considering the fact that the incident occurred on 17.01.2021 and the report has been lodged on 01.02.2021 i.e. after 14 days and the delay occurred in lodging the FIR has not been duly explained by the complainant, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the Applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant 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/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and

3.

- IV. 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/-

(Arvind Singh Chandel)
Judge

Saurabh