

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 494 of 2021**

- Uday Kumar Yadav son of Satyendra Prasad Yadav, aged about 31 years, resident of Central Industrial Security Force Unit Gevra, Tahsil Katghora, District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station Dipka, District Korba (C.G.)

---- Respondent

For Applicant	:	Mr. Brijesh Kumar Singh, Advocate.
For Respondent.	:	Mr. B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30/06/2021**

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.61/2021 registered at Police Station - Dipka, District Korba (C.G.) for commission of the offence punishable under Sections 307/34 of Indian Penal Code.
2. Allegation against the present applicant is that on 19.02.2021, when injured Salikram and Rajendra Patel entered the premises of mines for committing theft of diesel from the vehicle, the applicant opened fire at them due to which Salikram sustained gun shot injury on his left rib. Based on this, offence has been registered against the present 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 complainants with an intention to commit theft of diesel entered the premises of mines. When they were seen by the applicant, the complainants attacked him and, in self defence, the applicant opened fire at them resulting injury to Salikram on his left rib. He also submits that a concocted story has been cooked by the complainant that they used to commit theft of diesel at the behest of the applicant, whereas the fact is that on 19.02.2021 when the applicant and his companion were on patrolling, they were hit by a Bolero vehicle and attacked by some persons, in which the present applicant got injured and on his complaint, Crime No.52/2021 was registered on 20.02.2021 at Police Station Dipka.

4. Counsel for the State however opposes the application for anticipatory bail.
5. Perusal of the material available in the case would indicate that the complainants/injured himself has admitted this fact that he used to commit theft of diesel in the S.E.C.L Gevra Mines.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the involvement of the complainants in committing theft of diesel from the mines, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
7. 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.25,000/- with one 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