

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 888 of 2021**

- Virendra Kumar Sahu S/o Shri Loknath Sahu Aged About 44 Years R/o Village Dhanpunji, P. S. Nagarnaar, District Bastar Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh R/o Village Dhanpunji, P. S. Nagarnaar, District Bastar Chhattisgarh

---- Respondent

For Applicant	: Shri Vikas A Shrivastava, Advocate
For Respondent/State	: Shri Shrikant Kaushik, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

04.08.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 03 of 2021 registered at Police Station Nagarnaar, District Bastar, Chhattisgarh for commission of offense punishable under Section 41(1+4) CrPC and 379 of IPC.
2. Case of the prosecution, in brief, is that, Police received secret information that present applicant has kept some theft articles in *Badi*, behind his scrap shop run by him. Based on the information, Police went to spot and on raid, they found two Oxygen Cylinders, 10 old bicycles and one Scooty in damage condition along with Iron sheets, Iron cut articles weighing 18 quintals of value of Rs.45,000/-. Upon seizure of articles, instant crime was registered against present applicant.
3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Vikas A Shrivastava, learned counsel for the applicant submits that applicant is not involved in instant crime in any manner as alleged. He submits that applicant is doing business of scrap purchase and articles have been kept in open place behind his scrap shop. Applicant purchases the scrap articles from the scrap vendors. Due to ill-intention, somebody else filed false complaint, based upon which instant crime has been registered. He further submits that there is no material available in case diary against applicant to show that the articles which have been sold to him by scrap vendors are theft articles. Hence applicant may be enlarged on bail under Section 438 of CrPC.

5. On the other hand, Shri Shrikant Kaushik, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that huge scrap articles were recovered from the *Badi* situated behind Scrap Shop of applicant, there are criminal antecedents against present applicant, one under Section 325 of IPC in 2013, another under Section 344, 323 and 506 IPC in 2015, and in 2018.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations levelled against the applicant, the fact that present applicant is engaged in scrap business ie purchase of scrap articles from scrap vendors, articles recovered are in damage condition, further, there is no allegation or material that the articles like bicycle and Scooty are theft articles, without commenting anything on merits of case, I am inclined to grant anticipatory bail to the applicant.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) That the 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;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) 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.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma