

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 1072 of 2021**

- Piyush Tripathi, S/o Arun Kumar Tripathi, aged about 38 years, R/o Sattipara, Ambikapur, Police Station & Tehsil – Ambikapur, District Surguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through : Station House Officer, Gandhinagar, District Surguja (C.G.)

---- Non-applicant

For Applicant	:	Shri Amarnath Pandey, Advocate.
For Non-applicant/State	:	Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****22.09.2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 202 of 2017 registered at Police Station Gandhinagar, District Surajpur (C.G.) for the offence punishable under Sections 420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, based on the complaint of Food Inspector lodged a report mentioning that the Applicant has committed an irregularity in distribution of food grains of 'Public Distribution System & Scheme' of the State Government by distributing it to 144 forged card holders. Based on the report, the aforementioned crime was registered against the Applicant. Application for grant of anticipatory filed before Court below was dismissed.
3. Shri Amarnath Pandey, learned counsel for the Applicant would submit that the Applicant has been implicated falsely in this crime, he further submits that the

offence was registered in the year 2017. After due investigation Police recorded the proceedings of closure vide Closure Report No. 12 of 2019, which is still pending consideration for orders of the Court. He submits that recently the Police Officer called the Applicant, due to which Applicant is apprehending his arrest. Applicant approached the Court below by way of filing the application for grant of anticipatory bail which was dismissed on merits. Hence, he has filed this application before this Court.

4. On the other hand, Shri Vimlesh Bajpai, learned State counsel submits that in view of the proceedings available in the case diary of submissions of closure report before the Court of competent jurisdiction, at present there is no apprehension of the arrest of the Applicant. Hence, the anticipatory bail application would not be maintainable. However, learned counsel for the State do not dispute that the order of rejection Annexure A/1 is on merits.
5. I have heard learned counsel for the respective parties.
6. Considering the entirety of the facts and circumstances of the case and the apprehension shown by the Applicant of his arrest stating that he was called by the Police Officer of the concerned Police Station and further considering the submissions of the learned counsel for the parties, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the Applicant.
7. Accordingly, application is allowed and it is directed that in the event of arrest of Applicant in connection with the crime in question (138/2021), 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/- with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicant shall also abide by the following conditions:

- (i) that the applicant shall make himself available for interrogation before the investigation 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 so 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/-
(Parth Prateem Sahu)
Judge