

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1093 of 2021**

- Mohammad Nishar, S/o Mohammad Latif, aged about 30 years, R/o House No.233, Tiwari Ata Chakki, Ward 32, Zone-2, Khursipar Bhilai, Tahsil and District Durg (CG)

Applicant**Versus**

- State of Chhattisgarh, through District Magistrate, Rajnandgaon District Rajnandgaon (CG)

---- Non-applicant

For Applicant	:	Mr. Purnendra Khichariya, Advocate
For Non-applicant	:	Ms. Anjali S Chouhan, Panel Lawyer.

Hon'ble Mr. Justice Parth Prateem Sahu**Order On Board****16/9/2021**

1. This is first application under Section 438 of CrPC for grant of anticipatory bail to applicant who is apprehending his arrest in connection with Crime No.3/2021 registered against him at Police Station Mohgaon, District Rajnandgaon (CG) for commission of offence punishable under Sections 457, 380, 34 of IPC.
2. Case of the prosecution, in brief, is that on 20.1.2021 complainant Mukesh Pal lodged report in the concerned police station stating that in the night intervening 28th & 29th January, 2021 some unknown persons have stolen his 50 sheep which he kept in a coop attached to his house. Based on the report, FIR is registered against unknown persons and during the course of investigation, co-accused Aamir Hussain, Salman Khan, Raju Lama @ Kancha and Mithun were arrested. Based on memorandum statement of co-accused Aamir Hussain, applicant has also been arrayed as accused in crime in question.
3. Mr. Purendra Khichariya, learned counsel for applicant would

submit that applicant was not arrested from the spot; applicant was not found in possession of any animal alleged to be stolen. FIR is registered against unknown persons. Name of applicant has come only in memorandum statement of co-accused persons recorded during the course of investigation. Hence, the applicant may be enlarged on anticipatory bail.

4. On the other hand, Ms. Anjali Singh Chouhan, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that co-accused persons have admitted in their memorandum statement that at the time of commission of crime in question applicant was also with them. She read over memorandum statement of co-accused Aamir Hussain.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations, the manner in which crime in question is alleged to have been committed and memorandum statement of co-accused Amir Hussain, Salman Khan, Raju Lama alias Kanchan & Mithun Kumar, I am not inclined to extend benefit of anticipatory bail to applicants. Accordingly, the bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-