

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1148 of 2021**

Sheikh Rahmat, S/o Sheikh Haimad, aged about 22 years, R/o House No. 376, Kasaridih Ward 44, Durg, Teh. and Distt. Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : District Magistrate, Durg (C.G.)

---- Non-applicant

For Applicant : Mr. Uttam Pandey, Advocate.
For Non-applicant/State : Mr. B.L. Sahu, Panel Lawyer.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****09/11/2021**

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 281/2021 registered at police station – Jamul, District Durg (C.G.) for commission of offence punishable under Section 379 of the Indian Penal Code.

2. Case of the prosecution, in brief, is that complainant – Raki Singh lodged FIR in the name of unknown person at Police Station Jamul, District Durg on 10.7.2021 alleging therein that complainant, while counting pigs in his yard, found that the pigs are less in number, thereafter, he along with his family members were searching for their pigs in the night of 10.7.2021 at

about 2.30 a.m., they saw that one Hundai accent car bearing registration No. CG-05-A-0990 was parked at Kali Badi Squire, due to break down. On being searched, one Vivo Mobile as well as black coloured pig was found in the dickey of that car.

3. Counsel for the applicant would submit that applicant is innocent person and he has been falsely implicated in the alleged crime, as there is no proof of his involvement in the crime in question. Actually the fact is that when he went to Kailash Nagar/Housing Board in a function, while returning back from there, his mobile phone was slipped from his pocket, near which, unfortunately, the offending vehicle reached and it was parked at Kalibadi Square due to break down. He would also submit that applicant is a person of such religion, who do not make contact / touch with such animal. He would also submit that applicant has no previous criminal antecedents and he is a poor man earning his livelihood by operating hansom cab/Buggi, he has suspicion that police may arrest him merely on the basis of suspicion in this case, therefore, the applicant may be extended the benefit of Section 438 of the Code of Criminal Procedure.

4. On the other hand, learned counsel for the State while opposing the bail application would submit that the mobile phone found on the aforesaid offending vehicle, in which, a pig was also found, was of the applicant, which clearly shows his involvement in the crime in question. Hence, the applicant is not entitled for grant of anticipatory bail.

5. I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

6. Considering the facts & circumstances of the case, nature & gravity of the offence; also taking into consideration the fact that applicant would not found on the spot and considering the submissions made by counsel for the applicant, I am of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a bond in the sum of ₹ 25,000/- with one surety for the like sum to the satisfaction of the officer/Court arresting him and he shall abide by all the following terms and conditions:

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required.
- (ii) that 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) that the accused/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.

Certified copy, as per rules.

Sd/-

(N.K.Chandravanshi)
Judge

D/-

