

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1534 of 2020**

- Salim Khan S/o Abu Khan, aged about 54 years, R/o Gorkha, Thana Kotra Road, Raigarh, Tehsil & District Raigarh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station Chakradhar Nagar, Raigarh, District Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate.
For Respondent. : Mr. Sameer Uraon, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/03/2021**

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.248/2020 registered at Police Station Chakradhar Nagar, Raigarh, District Raigarh (C.G.) for commission of the offence punishable under Sections 407, 411/34 of IPC.
2. Case of the prosecution is that, the applicant has purchased stolen property i.e. 200 kg from the co-accused Vikrant Pandey, who had unloaded 200 kg iron at another place of destination and loaded Zaricane containing water and some stones in the vehicle for the actual destination for wrongful gain to himself and wrongful loss to the company. Based on this, offence has been registered against the applicant under Sections 407 and 411/34 of IPC.
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 applicant is a scrap dealer which is evident from record (Annexure A/2) having no criminal antecedent. The applicant was not having any idea that the alleged property is a stolen one. He also submits that at the time of raid, the vehicle and the alleged article i.e. iron was there at the spot. Furthermore, the alleged stolen property has not been recovered from the present applicant. He also submits that considering the material on record, no offence under Section 407 IPC is attracted in the case.

4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the fact that the applicant is a scrap dealer having no criminal antecedent, without further commenting 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. 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.1,00,000/- 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 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

pkd