

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC (A) No. 1165 of 2021**

- Pramesh Kumar Gupta, S/o Shri Bahadur Gupta, aged about 53 years, Occupation – Service, R/o Village – Vatikapara Batouli, Thana – Batouli, District Surguja (C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station – Vishrampur, District Surajpur (C.G.)

---- Non-applicant

For Applicant	:	Shri Sunil Sahu, Advocate.
For Non-applicant/State	:	Shri B.L. Sahu, Panel Lawyer.

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. 138 of 2021 registered at Police Station Vishrampur, District Surajpur (C.G.) for the offence punishable under Sections 379, 356/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, the complainant on 02.08.2021 was returning from market alongwith her daughter. While so, when she reached at Shivrindanpur Fouji Street some unknown persons came in red colour Motorcycle with covered faces and snatched gold chain from her neck and ran away. The incident was reported to the concerned Police Station on same day against unknown persons. During the course of investigation based on the CCTV footage co-accused persons namely Sonu Nat and Akash Nat were arrested. In their memorandum statement they stated that they have sold the

theft article to the Applicant. Based on the memorandum statement of the co-accused persons, Applicant is also arrayed in the crime.

3. Shri Sunil Sahu, learned counsel for the Applicant would submit that the Applicant has been implicated falsely in this crime, he further submits that co-accused persons and the Applicant are residents in the same vicinity and they are known to each others. The co-accused persons only to save themselves had made allegation that they have sold gold chain to the Applicant. Whereas, Applicant has not purchased any article from their possessions. He further submits that Applicant is a Government Teacher working as Teacher (Panchayat) and posted at Government Primary School, Poprenga. Applicant is a differently abled person. Hence, he may be enlarged on anticipatory bail otherwise Applicant will lose his fame in society and also his job.
4. On the other hand, Shri B.L. Sahu, learned State counsel opposing the submissions of learned counsel for the Applicant, submits that as per memorandum statement of co-accused persons they have sold the theft gold chain to the Applicant on a very cheap price which shows involvement of the Applicant in the crime.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation levelled against the present Applicant facts and circumstances of the case. Further, that the Applicant is stated to be working as Government Teacher, 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