

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1680 of 2020**

- Gurutej Singh Gill, aged about 28 years, S/o Amar Singh Gill, resident of Housing Board, Boriyakala, Mujgahan, Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh – Through : The Police Station Pithora, District Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Raza Ali, Advocate.
For Respondent.	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11/06/2021**

Proceeding through video conferencing.

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 Number 275/2020 registered at Police Station – Pithora, District Mahasamund (C.G.) for the offence punishable under Sections 399, 402, 120-B of Indian Penal Code and Section 25 of Arms Act.
2. The prosecution story, in brief, is that the police, acting on a tip-off, while patrolling has seen the Swift Desire car parked near Gurudwara, where three persons found moving in a suspicious condition. Upon strict interrogation, they disclosed the plan of dacoity to be made in the house of Bahur Singh. Memorandum statement of co-accused namely

Banshiram Kharkhate was recorded in which he disclosed the name of present applicant and other accused persons and also disclosed that the weapons like club, stick, pistol and knife are kept in the car. Based on this, the offence has been registered against the applicant.

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 present applicant was not present at the spot and he has been implicated in the crime only on the basis of memorandum statement of accused Banshiram Kharkhate. He also submits that on 05.11.2020 the present applicant had booked Maruti Suzuki Arena car through Trippi Car App, and on same day, his friend Rishabh Singh demanded the same for two hours, which he gave him in good faith. On the next day, he came to know that Rishabh Singh and his two friends arrested by the police.
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, nature of offence and further considering the quality of evidence against the present applicant, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. 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.50,000/- 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/medical examination 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