

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 600 of 2019**

Syed Hasan @ Pappu, S/o. Late Mahmood Hasan, Aged About 45 Years,  
R/o. Lakhagarh, Pithora, Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through : Police Station- Pithora

**---- Respondent**


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For Applicant	: Mr. Ankur Agrawal, Advocate
For Respondent	: Mr. Lav Sharma, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****30/04/2019**

1. Apprehending arrest in connection with Crime No.53/2019, registered at Police Station – Pithora, District – Mahasamund (C.G.) for offence punishable under Section 457, 380, 411 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. Seizure of some of the articles that had been made from the employee of this applicant from his junkyard is the only basis of implicating him. This applicant or his employee had no knowledge that the property was stolen, therefore, no case is made out against him. Hence, it is prayed that the applicant may be granted anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted

that the applicant is the junk dealer, therefore, it can be presumed that he habitually deals in making purchase of stolen property, therefore, the application be rejected.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. FIR has been lodged by the complainant Suresh Kumar stating that theft of certain articles had taken place from Shri Sai Industries. During the investigation of this case, on the basis of the memorandum statement of co-accused persons, some articles of iron and steel has been seized from the possession of one Mukesh Giri, who happens to be employee of this applicant.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and for the reason that no seizure has been made from this applicant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
  - (i) that the applicant shall make himself available for interrogation before the 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 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram