

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 890 of 2015

Mohit Kumar Thakur S/o Tilak Singh Thakur Aged About 28 Years R/o Ghumargodha,
P. S. Devbhog, District - Gariyaband (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : The Station House Officer, P. S. Devbhog, District -
Gariyaband (Chhattisgarh).

---- Respondent

Shri Rakesh Anthony, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Order On Board

15/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.54/15 registered at police station – Devbhog, District - Gariyaband (CG) for alleged commission of offence under Section 452, 294, 506-B, 323 of IPC.

2. Prosecution case is that the applicant entered the house of the complainant and assaulted.

3. Learned counsel for the applicant submits that present is a case of false implication for two reasons. Firstly, the applicant's sister runs a grossery shop in front of the house of the complainant. There was a quarrel regarding proper function of drain. Secondly, the applicant is a witness in a criminal case for commission of offence under Section 306 of IPC against the son of the complainant. Therefore, a small quarrel has been exaggerated and except commission of offence under Section 452 of IPC, all other offences are bailable in nature. It is submitted that there is no allegation of applicant armed with any weapon and injuries are stated to be slight abrasions only.

4. On the other hand, learned State counsel submits that the injured victim

clearly stated that the applicant entered the house of the complainant, abused and also assaulted.

5. Taking into consideration the submission of learned counsel for the parties, particularly considering the dispute between the applicant's sister and complainant and that the applicant is a witness for criminal proceedings instituted against the son of the complainant, therefore, false implication of the applicant cannot be ruled out and other attending circumstances and that there is no allegation of using any weapon by the applicant, I am inclined 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 the aforesaid offence, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

(i) the applicant shall make himself available for interrogation by the police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge