

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1231 of 2015

1. Mangal Khandey, S/o. Jagtaram, aged about 65 years, R/o. Village-Kormi, P.S. Sirgitti, Civil Revenue District – Bilaspur, District Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Police Station Incharge, Police Station – Sirgitti, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Arvind Dubey, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/12/2015

1. Apprehending arrest in connection with Crime No.314/2015 registered at Police Station- Sirgitti, District – Bilaspur (C.G.), for offence punishable under Section 354 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 27.10.2015, the applicant went to the house of the prosecutrix as he was called to remove the witchcraft affect on the baby of the complainant and subsequently on 31.10.2015 a report was made that the applicant has tried to outrage the modesty of the mother of the baby.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case. He would further submit that the applicant is aged about 65 years of old and he was known to remove the witchcraft in the area was called and the baby did not recover from the ailment, therefore, the applicant was attacked by the family members of the complainant and he was brutally beaten and assaulted and head injury with fracture was also sustained by

the applicant. Subsequently, when the report was made and the case was registered under Section 294, 506, 323, as a counter blast, this false report has been made against the applicant. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the bail application.
5. I have perused the case diary as also the case diary of the counter case. It shows that initially report was made on 31.10.2015 at 6.15 alleging that the applicant was assaulted on 28.10.2015, subsequently this report was made against this applicant at about 7.10 on the same day. Taking into the case diary and the statement and case diary of the counter case and further taking into the age of the applicant and considering the injury caused to the applicant, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed and 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/-
(Goutam Bhaduri)
Judge

Balram