

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.546 of 2015**

Khushpal Singh Gill alias Bittu Son of Late Avtar Singh Gill, aged about 52 years, R/o Sector 2, Devendra Nagar, Police Station Pandri Raipur, District Raipur (CG)

---- Applicant

Versus

State Of Chhattisgarh through: Station House Officer, Police Station-Pandri, Raipur, District Raipur (CG)

---- Respondent

For Applicant	:	Shri Ashish Surana, Advocate
For Respondent/State	:	Shri R. K. Gupta, Dy.A.G.

Order On Board**13/07/2015**

The applicant is apprehending his arrest in connection with crime number i.e.71/2015, registered at Police Station Pandri, Raipur, District Raipur for the offence punishable under Section 294, 365, 307/34 of the Indian Penal Code.

2. Case of the prosecution is that one Harsh Gill along with other accused assaulted the complainant with an intention to cause death. Thereafter, at the place of incident, the applicant arrived and tampered and destroyed evidence of commission of offence and guided his son to lodge a false report in the police station.

3. Learned counsel for the applicant submits that even according to the statement of victim, at the time, when he was assaulted by other three accused, the applicant was not present and the applicant came at the spot only after the incident of assault was over, he changed his shirt, removing blood clots. Even if the overt act alleged to have been committed by the applicant is accepted on the face of it, no case of commission of offence under Section 307 of IPC is made out and at the most, offence of causing disappearance of evidence under Section 201 of IPC is made out, which is bailable in nature.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant not only destroyed the evidence but also directed his son to fabricate false evidence of assault on his son-co-accused and got false report lodged in the Police Station.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of overt act alleged to have been committed by the applicant, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

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

(ii) he 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, *and*

(iii) he shall cooperate with the investigation as and when he is called.

Sd/-

Manindra Mohan Shrivastava
Judge