

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 640 of 2015

Ramawtar Patel S/o Markandey Patel Aged About 46 years R/o Kotara Road Raigarh
Tah. & Distt.- Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: P.S.- City Kotwali Raigarh, District- Raigarh,
Chhattisgarh

---- Respondent

For Applicant	-	Shri Vineet Kumar Pandey, Advocate
For Respondent/State	-	Shri Satish Gupta, Government Advocate

Order On Board

13/08/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.421/2014 registered at Police Station City Kotwali Raigarh, District-Raigarh for alleged commission of offence under Section 188/34 & 447 of IPC.
2. Prosecution case is that the applicant raised construction in violation of order promulgated by Tehsildar and thereafter, committed offences under Section 188/34 and 447 of IPC.
3. Learned counsel for the applicant submits that he has not violated any direction of Tehsildar. He submits that in the order dated 24.07.2015 passed by Tehsildar, it has been recorded that the applicant did not raise any construction.
4. On the other hand, learned State counsel opposes prayer and submits that prima facie there was violation, therefore, on report made, the case has been registered.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that Tehsildar has passed the order on 24.07.2015 which does not show that the applicant had raised construction in violation of any order, 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 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 and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that 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.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he 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/-

Manindra Mohan Shrivastava

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