

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1220 of 2015

Jatindra Kumar Sao, son of Late Chaitan Sao, aged about 32 years,
Occupation Agriculturist/Contractor, R/o Village Kasdol, Tah. Tamnar
Civil & Revenue District Raigarh, Distt. Raigarh (C.G) --- **Applicant**

Versus

State of Chhattisgarh through Station House Officer Tamnar, District
Raigarh (C.G). --- **Respondent**

For the applicants : Ms. Sharmila Singhai, Advocate.

For the Respondent : Mr. U.K.S. Chandel, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.12.2015

1. Apprehending arrest in connection with Crime No.213/2015 registered at Police Station Tamnar, Distt. Raigarh Chhattisgarh for the offences punishable under Sections 294, 186, 353 & 332 of IPC, the applicants have filed this application under Section 438 Cr.P.C.
2. As per the prosecution case, a complainant was lodged by Chandramani Bairagi that he is the Forest Guard and when he went to seize wooden logs which were lying in the field of Jatindra Sao, the complainant was abused and was objected to seize the same.
3. Learned counsel for the applicants submits that the incident took place on 16.10.2015. When the applicant saw the wooden logs which were lying in his field it was informed to the Forest Ranger through mobile phone and immediately the Forest Guard was sent who was in drunken condition. He seized the wooden logs and thereafter went out and since it was recorded in the Panchnama that during the duty hours Chandramani was in drunken condition as such after 5 days, the report was lodged. It is further submitted that as a counter blast to the fact that he wanted certain information from the forest department

under RTI Act about the Scheme which is pending, the applicant has been falsely implicated. He, therefore, prays for enlarging the applicant on anticipatory bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the Panchnama which is placed on record as Annexure A-3. It bears the signature of Sarpanch and other persons of the village. A reading of the Panchnama shows that while the wooden logs were seized, complainant Chandramani Bairagi, was intoxicated
6. Taking into the documents of case diary especially the document of Panchnama and the fact that a report was certainly made by the applicant on 31.10.2015 and further taking into totality of the facts situation of the case, I am inclined to extend the benefit of provisions of Section 438 Cr.P.C.
7. Accordingly, the 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 each in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating 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/her from disclosing such facts to the Court or 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.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE