

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.396 of 2015**

Shrawan Kumar Mishra S/o Shri Gorelal Mishra Aged About 43 years Presently
Posted As ASI, P.S. New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through: Station House Officer, Police Station Kondagaon, District Kondagaon, Chhattisgarh
2. Komal Kumar Sahu, S/o Rambharosa Sahu, aged about 37 years, R/o Village Sargipalpara, Kondagaon, District Bastar (CG)
3. Aniruddh Kumar Sahu, S/o Rambharosa Sahu, aged about 40 years, R/o Village Sargipalpara, Kondagaon, District Bastar (CG)

---- **Respondent**

For Applicant	:	Shri Kishore Bhaduri, Advocate
For Respondent No.1/State:	:	Ms. Sunita Jain, Panel Lawyer
For Respondent No.2 & 3 :	:	Shri Sameer Singh, Advocate

Order On Board**22/07/2015**

The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Criminal Case No.1227/2012 on the complaint filed by the complainant for alleged commission of offence under Section 327 of IPC.

2. Learned counsel for the applicant submits that the applicant in discharge of official duties as Police Officer seized the vehicle, which met with an accident with a girl. The complainant was accused in the said criminal case and in order to save himself, he has lodged complaint against him and there is no injury report. He further submits that on account of issuance of bailable warrant, the applicant had appeared before the Court but as the Presiding Officer was on leave, his presence was not recorded and later on, warrant of arrest has been issued.

3. On the other hand, learned State counsel as well as learned counsel for the complainant opposed the bail application by submitting that the applicant and his brother were made to sit in the police station and one of them was beaten up by the applicant and money was demanded for release of the vehicle.

4. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the background, in which, the vehicle of the complainant was seized by the police officer in connection with the offence and that the applicant is a government servant, the application is allowed, subject to the condition that the applicant shall appear before the concerned Magistrate within a period of 30 days from today and upon his appearance, 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 concerned Magistrate for his appearance as and when directed.

Sd/-
Manindra Mohan Shrivastava
Judge