

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 529 of 2015

Banshroop Sahu S/o Sohanram Sahu Aged About 44 years R/o Village- Chandan Nagar, Police Station And Tahsil- Premnagar, District Surajpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station Premnagar, District- Surajpur, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Arvind Singh, Advocate.
For Respondent / State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

09/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.51/2015 registered at police station – Premnagar, Distt. - Surajpur for alleged commission of offence under Section 3 (2) (a) 4 of the Prevention of Damage to Public Property Act, 1984

2. Case of the prosecution is that the applicant was found having installed a motor pump to draw water from the public tap.
3. Learned counsel for the applicant submits that in the absence of material to show that the act of the applicant resulted in destruction or diminishing the utility of water source, offence is not made out.
4. On the other hand, learned State counsel submits that the material on record collected during investigation clearly shows that the applicant had installed electronic submersible pump from which, water has been drawn affecting supply of water to the public.
5. Taking into consideration the submission of learned counsel for the

parties, nature of allegations and that the Government hand pump has not been destructed or broken, 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 by the arresting officer 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 with following further conditions that:

- (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 them by the said Court till disposal of the trial.

If the applicant is again found involved in similar kind of act, the State is at liberty to move application for cancellation of bail.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge