

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 584 of 2015

Loknath Yadav S/o Madhusudan Yadav Aged About 40 years Occupation- Advocate, R/o Village- Khantadand, Tahsil & Thana- Bagicha, Civil And Revenue District- Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station- Bagicha, District- Jashpur, Chhattisgarh

---- Respondent

For Applicant/s : Shri Awadh Tripathi, Advocate
For Respondent / State : Shri Manish Nigam, Panel Lawyer

Order On Board

23/07/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.89/2015 registered at police station – Bagicha, Distt.-Jashpur for alleged commission of offence under Section 294, 323, 458, 147, 148 of IPC.

2. Prosecution case is that the applicant and other accused entered the house of the complainant in the night, assaulted him and thereby committed offence of criminal trespass.

3. Learned counsel for the applicant submits that the report of the complainant is a counter blast to the report lodged by Jeen Kumar who was assaulted by complainant and his team in which Jeen Kumar sustained grievous injury and was admitted in the hospital and on his report, offence under Section 307 IPC and other offence has been registered against Dewanand Yadav, the complainant herein. After this report lodged in the police station, the complainant – Dewanand has come out with the story of he being assaulted.

4. On the other hand, learned State counsel opposes the bail application and submits that the complainant and other witnesses have stated regarding applicant

and other accused entered the house of Dewanand and assaulted him.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the complaint in the present case has been lodged subsequent in the point of time after Jeen Kumar reported and that there are no specific injury except certain abrasions, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, the application is allowed. 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
Judge