

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1247 of 2015

Mohd. Shaukat Hussain S/o Late Mohd. Hussain, Aged About 70 Years R/o Idgah Chowk, Police Station - Civil Line, Bilaspur, Civil & Revenue District - Bilaspur (Chhattisgarh).

----Applicant

Versus

State Of Chhattisgarh Through Officer - In - Charge, Police Station - Civil Line, Civil & Revenue District - Bilaspur (Chhattisgarh).

---- Respondent

For applicant – Shri K.A. Ansari, Sr. Advocate with Shri Devesh Kela, Advocate.

For Respondent/State – Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.286 of 2015, registered at Police Station Civil Line Bilaspur, Civil & Revenue District-Bilaspur (C.G.) for offence punishable under Section 294, 506, 323, 353 of IPC.

2. According to the case of prosecution on 15/06/2015 government vehicle bearing registration No.C.G./03/2907 which was in V.V.I.P. duty which was going from Bilaspur to Dabra after filling diesel from petrol pump of police line in front of auto deal shop the vehicle came into contact with the service wire whereby driver of the vehicle was abused and he was intercepted to discharge public duty.

3. Learned counsel for the applicant submits that shop of the applicant is in that vicinity and since service wire fell down passer by made hue and cry and consequently because of the fact that it was in front of the applicant's shop, he has been inculpated. He further submits that applicant is aged about 70 years, therefore applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perusal of the case diary shows that relevant statement have already been recorded. Taking into fact the nature of allegation and age of the applicant that he is aged about 70 years, it appears that allegation so levelled may not require any custodial interrogation and primarily allegations are against the workers of the shop, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail 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 local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant 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/-
(Goutam Bhaduri)
JUDGE

