

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 995 of 2015

Mohd. Zakir Rizvi S/o Kasam Rizvi Aged About 42 Years R/o Bajrang Chowk,
Gariyabandh, District Gariyabandh (Chhattisgarh).

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station Gariyabandh, District
Gariyabandh (Chhattisgarh).

---- Respondent

For Applicant	:	Shri D.K. Gwalre, Advocate.
For State	:	Shri Vinod Tekam, Panel Lawyer.

Order On Board

14/10/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.137/2015 registered at Police Station- Gariyabandh, District-Gariyabandh (C.G.) for alleged commission of offence under Section 186, 294, 323, 353, 506 of IPC.
2. Case of the prosecution is that during Public agitation, the applicant while taking photograph, unauthorizedly climbed up to the vehicle in which, the constable of CRPF was going towards his duty place. When the applicant was asked to come down, the applicant abused and slapped.
3. Learned counsel for the applicant submits that the complainant was in an ordinary civil dress and it is not a case where the police while controlling mob, was attacked by the applicant. He submits that the applicant is a journalist and he was trying to take photograph of the incident and in these course of event, if any dispute arises between the applicant and the complainant, the ingredients of commission of offence under Section 353 IPC would not be made out. He submits that other offences are bailable in nature.

4. On the other hand, learned counsel for the State opposes prayer and submits that the very act of the applicant in climbing up to the vehicle and thereafter entering into quarrel with the applicant and slapping, prima facie case of commission of offence under Section 353 IPC is made out.

5. Taking into consideration the genesis of dispute, nature of overt act of the applicant and considering that the applicant is a journalist, which is clear from the report itself and that the dispute arose when the applicant was trying to take photograph, the application is allowed.

6. Accordingly, 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.

7. Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

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