

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 609 /2016

Ashutosh Shinde, S/o. R.P. Shinde, Aged About 42 Years, R/o. Quarter No. N.G.-7, Rajaswa Colony, Korba, Tehsil & District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Kotwali, District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Dr. N.K.Shukla, Senior Advocate with Mr. H.S.Ahluwalia, Advocate.
For Respondent	:	Mr. Lav Sharma, Panel Lawyer.
For Objector	:	Mr. N.P.Thakur, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/08/2016

1. Apprehending arrest in connection with Crime No.240/2016 registered at Police Station- City Kotwali, Distt. Korba (C.G.) for the offence punishable under Section 294, 323, 506, 332, 353 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Udayram Bareth that on 31.05.2016 when the inspection team from the High Court went to the District Court Korba on inspection certain duties were provided and the applicant who was working as Nazir, Sale Amin, abused the C.F.C./ Superintendent of Court and assaulted when he was asked to deploy one Peon for duty.
3. Learned counsel for the applicant would submit that even the statements are taken in the face value, it will not make out a case, as the time of incident would be relevant, as it was 11 p.m. and the statement would show that the applicant has never obstructed the Superintendent of Court to perform his duty. Therefore, the case

under Section 353 would not be made out. He further submits that the applicant is working as Nazir and till today he is discharging his duties and has not obstructed the investigation and there is no chance that he will abscond, therefore, under the facts and circumstances of the case, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel and learned counsel for the objector opposes the prayer for grant of anticipatory bail and would submit that when the applicant asked by the Superintendent of Court to perform the duty, he was abused and assaulted.
5. Perused the case diary and statement of Udayram, which would show that the applicant is still discharging his duty as Sale Amin in the Court, therefore, taking into fact that he is not absconding or obstructed in the investigation as he is an employee of the Court and there is no likelihood that he will abscond and further taking into the law laid down in case of ***Bhadresh Bipinbhai Sheth v. State of Gujarat & Another***¹, I am inclined to release the applicant on anticipatory bail.
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 furnishing a personal bond to a sum of Rs.25,000/- with one 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) that 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

Ashok