

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 557 of 2016**

- Raju Manikpuri S/O Jogi Das Manikpuri Aged About 30 Years R/O Village Chaurenga, P.S. Simga, Civil & Revenue District Baloda Bazar - Bhatapara Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Simga, Civil & Revenue District Baloda Bazar - Bhatapara Chhattisgarh

---- Respondent

For Applicant : Mr. Adil Minhaj, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****01-08-2016**

1. The applicant has preferred the instant bail application under Section 438 of the Code of Criminal Procedure for grant of anticipatory apprehending his arrest in connection with Crime No. 120 of 2016 registered at Police Station Simga, District Baloda Bazar-Bhatapara (CG) for the offence punishable under Sections 294, 186, 332 & 353 of the IPC.
2. Case of the prosecution, in brief, is that on 8-5-2016 at about 10.30 pm., when the complainant Dhaniram Sahu, who was working as Assistant Lineman in C.S.P.D.C.L., was standing after repair of the electricity line at village Chaurenga, at that time applicant came there, abused the complainant and thereafter slapped him on account of closing down of electricity power in the village from 6.00 am in the morning and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the complainant would not fall under the category of public servant, the

statement of the complainant would show that he was not discharging any duty and even if the statement of the complainant is accepted as it is, at the most the case would fall under Section 323 of the Cr.P.C., and the applicant has been falsely implicated in the case, therefore, considering the facts and circumstances of the case, the applicant may be extended the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents and also perused the statement of complainant Dhaniram Sahu.
6. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and back-ground of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.
7. Accordingly, the bail application filed under Section 438 of the Cr.P.C., 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 his executing a personal bond in the 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.
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Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju