

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 120 /2016

Mahesh Kumar Chandrakar, S/o. Chetanlal Chandrakar, Aged about 45 years, By Profession-P/O-Tent-House, R/o. Ward No.17, Kurmipara, Mahasamund, P.S.-City-Kotwali, Tahsil & Revenue District & District Mahasamud, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. - City Kotwali - Mahasamund, Revenue District & District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. J.A.Lohani, Advocate.

For Respondent : Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/02/2016

1. Apprehending arrest in connection with Crime No.620/2015 registered at Police Station- City-Kotwali, Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 294, 323, 506(B), 452, 427 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. According to the case of the prosecution, the applicant on 28.12.2015 went to the house of Santosh Kumar Sahu and thereafter demanded the loan amount. The complainant stated that when they received the salary they will paid. Thereafter, the applicant consumed liquor and at about 1 - 2 p.m., in the night, again demanded money and damaged the TV and other articles with the Bat.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He submits that the complainant has infact availed loan from the applicant and in order to avoid the same, the false report has been made. He therefore

submits that the applicant may be given the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary, statement and the FIR. Prima facie, it appears that there had been some monetary transaction in between the complainant and the applicant and the way the incident has been narrated, the false accusation cannot be ruled out. Taking into the facts and circumstances of the case, without any observation on merit, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. 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.