

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 693 of 2016

- Anil Soni S/O Shri Bigan Soni Aged About 40 Years Occupation Daily News Editor, Dainik Bhasar Rajpur, Block Rajpur, R/O Main Road Rajpur, P.S. & Tahsil Rajpur, District Balrampur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Rajpur, District Balrampur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Pushpa Dwivedi, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-8-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending her arrest in connection with Crime No. 87 of 2016 registered at Police Station Rajpur, District Balrampur (CG) for offence punishable under Sections 294, 506, 323 of IPC and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. As per case of the prosecution, a report was made by complainant Sanjay Gond that on 7-6-2016 when the complainant was going to bus-stand on his motor-cycle, he was intercepted by a car driven by the applicant. The applicant came out of the car, abused the complainant by name of his caste and tried to kill him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that in fact the applicant had given his vehicle bearing registration No.

UP-64-H-6511 to the complainant for repair and for changing of mobile filter which was not done. After payment of the amount when the vehicle was taken, engine of the said vehicle was seized. Thereafter, he took his vehicle to his house after getting it repaired and paid Rs.23,000/- for repair. The applicant asked the complainant to repay the amount, the complainant told him that at most he would pay Rs.4,000 to 5000 to him, whereas Rs.23,000/- was incurred towards expenses for which a report was made against the complainant as per Annexure A/2. Therefore, in order to such repayment, false report has been lodged against the present applicant, therefore, the applicant may be extended the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Considering the back ground of this case, it appears that earlier a report was already made by the present applicant against the complainant and the dispute was with respect to repair of the vehicle and the amount thereof. Considering the fact that *mens rea* appears to be absent and from reading of the case diary, *prima facie* it appears that bar under Section 18 would not be applicable to the present case. Therefore, considering all the facts and circumstances of the case and further considering the report made by the applicant against the complainant (Annexure A/2 and the case diary, I am inclined to extend benefit of anticipatory bail to the applicant.

7. 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 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju