

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 710 /2016

Aakash Singh Banafar, S/o. Khileshwar Singh Banafar, Aged About 34 Years, Occupation Doctory Homeopathic, R/o. Village Thathari, Police Station Baradwar, Tahsil - Jaijaipur, District Janjgir, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Police Station Baradwar, District Janjgir Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate.
For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/08/2016

1. Apprehending arrest in connection with Crime No.174/2016 registered at Police Station- Baradwar, District Janjgir-Champa (C.G.) for the offence punishable under Section 353, 294, 186, 332 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. As per the prosecution case, on 22.05.2016 while the complainant Santosh Kumar Sahu who is Lineman of the Electricity Department due to breakdown repaired the line, at that time, the applicant came there and abused and thereafter assaulted the Lineman and slapped him.
3. Learned counsel for the applicant would submit that infact two days before the incident i.e. on 20.05.2016, the applicant has made a report to the higher officials against the complainant that for every repair he demands money and in order to counter that, the false allegations have been leveled against this applicant; therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature of offence and degree of allegation, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
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