

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 724 of 2016

- Devcharan S/o Sakha Ram Sinha Aged About 85 Years R/o Vill. Saja P.S. & Tah. Saja Distt. Bemetara Chhattisgarh Civil & Rev. District Bemetara Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Saja, Distt. Bemetara Chhattisgarh Civil & Rev. District Bemetara Chhattisgarh. --- **Respondent**

For the applicant : Mr. Santosh Bharat, Advocate.
For the Respondent : Mr. Arvind Shukla, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10.08.2016

1. Apprehending arrest in connection with Crime No. 167 of 2016 registered at Police Station Saja, Distt. Bemetara (C.G) for the offences punishable u/s 295 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 02.06.2016 when the complainant and other members of Hindu Yuva Manch has gone to Mandir, it was found that the applicant touched his Penice to the Shivling and dis-sacred the divine, thereby committed offence.
3. Learned counsel for the applicant submits that the applicant is aged about 85 years and is mentally unsound person therefore considering his position, no custodial interrogation would be required and he is not going to fled away. He further submits that the applicant has been falsely implicated and no evidence is available against him, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary documents and the statements. It appears that the applicant is aged about 85 years, therefore, considering his age and infirmity, I am inclined to enlarge him on anticipatory bail.
6. Accordingly, the 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 sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that he 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 any police officer;
 - (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE