

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 805 of 2016

- Irfan Ansari S/O Samdani Ansari Aged About 27 Years Occupation Contractor, Caste Muslim, R/O Gamhariya, Police Chowki Vijaynagar, P.S. Ramanujganj, Revenue District Balrampur Ramanujganj, Civil District Surguja, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P.S. Ramanujganj, District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-08-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 138 of 2015 registered at Police Station Ramanujganj, District Balrampur Ramanujganj (CG) for offence punishable under Sections 294, 341, 384, 385, 506, 34 of IPC and Section 3 (1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that on 24-08-2015 a report was made by the complainant Jaswant Singh, Ex-Sarpanch of Gram Panchayat Gamhariya that on 21-8-2015 while he was going along with Rampreet Singh and Manzar Ansari on his car, at that time one Wasim Bari over-took the car and stopped them and thereafter asked certain amount and abused them in the name of caste. The report further contains that present applicant shown

himself to be a reporter and Whatsapp group was prepared in the name of Gamhariya live and certain demands were made and in the past also applicant abused them in the name of caste.

3. Learned counsel appearing for the applicant would submit that the entire allegations are politically motivated as it is outcome of the political dispute since the applicant was instrumental in making the complaint against the complainant and certain amounts which were to be paid to the labourers were withdrawn from the bank and the same was not paid to the labourers. On enquiry, the bank statement was taken by the applicant for the labourers and as such he has been falsely implicated. He would further submit that the screen shot of whatsapp messages have been implanted which also do not speak of alleged offence as identity of author has not been established. It is further submitted that the applicant has been falsely implicated, therefore, the applicant may be enlarged on anticipatory bail.
4. On the other hand, learned State counsel opposing the prayer for grant of anticipatory bail would submit that the applicant prepared whatapp group in the name of Gamhariya live and asked for money and also abused the complainant and one of the co-accused has also been granted regular bail.
5. I have heard learned counsel for the parties and have perused the case diary and documents.
6. Perusal of the charge-sheet shows that primary allegations have been attributed against co-accused Wasim Bari and general allegations have been attributed against the present applicant.
7. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the

report made by the present applicant, I am inclined to extend benefit of anticipatory bail to the applicant.

8. 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, she shall be released on bail by the officer arresting her 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