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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 595 of 2017**

Vijay Kumar Dewangan S/o Late Shri Manbodh Prasad Dewangan.
Aged About 32 Years R/o Ashwani Nagar, Thana- Purani Basti, Tahsil
& District Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through the Police Station Purani Basti, Raipur,
District Raipur, Chhattisgarh.

---- Respondent

For the Applicant : Shri R.S. Patel, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.11.2017**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 122 of 2017, registered at Police Station – Purani Basti, Raipur, District – Raipur, Chhattisgarh for the offence punishable under Sections 452, 294, 323 and 427 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is a landlord and complainant – Sonia Sahu is a tenant and the husband of Sonia Sahu is a police constable.

On the date of incident, the applicant had been to the house of his tenant/ the complainant asking her to vacate the premises. It is for this reason, a false complaint has been made against him. A complaint has been lodged by Subham Dewangan, nephew of the applicant about the incident of same date and time on the basis of which FIR has been lodged in police station Purani Basti for the offences under Sections 294, 506, 323 and 147 of the IPC against Sonia Sahu, Rahul Sahu and others which shows the false implication of the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear and categorical statement of the witnesses against the applicant, hence, he is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. The facts of the case are that on 17.5.2017 at about 9:30 pm, the applicant came into the house of complainant – Sonia Sahu asking her to vacate the house using abusive words and then he kicked the refrigerator causing damage to the same and also tried to assault the children of the complainant. On the information given by Sonia Sahu, FIR has been lodged and the case is under investigation.

7. Considering the submissions made and the contents of the case diary, the applicant is a landlord of the complainant and had been asking the complainant to vacate the premises does not appear to be disputed and

taking into consideration the other circumstances that have appeared and consequent to which, the applicant's side had also lodged FIR against the complainant in this case, I am of the considered view that in this case the applicant deserves to be enlarged on bail.

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, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge