

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 709 of 2017**

Bhagbali S/o Chandram Patel, Aged About 40 Years R/o Village Kasiyaro, Police Station Kasdol, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kasdol, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant : Shri Goutam Khetrapal, Advocate.
For the Respondent/State : Shri Arvind Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****07.12.2017**

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. 235 of 2017, registered at Police Station – Kasdol, District – Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Sections 353, 332, 294 and 323 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that apart from the offences under Sections 353 and 332 of the IPC, rest of the offences which are registered against the applicant are bailable in nature. It is also submitted

that the police party had come to the place of the applicant asking for his brother, alleging that the brother of the applicant is engaged in business of ganja, to which the applicant objected and reacted because of which he has been falsely implicated in this case. 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 the applicant had assaulted the police personnel on duty and also tried to damage the vehicle and property of the policemen, hence, looking to his disregard to the law enforcing agency, grant of anticipatory bail for such a person is not proper in any manner. Hence, it is prayed that the applicant 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 the date of incident the police party of police station Kasdol seized 4 kg of ganja from one Yudhishtir Chouhan, who on interrogation gave statement that he was transporting ganja from one Bhagwat Patel, who is the brother of the applicant. The police party went to the said place where the applicant is present; on intimating purpose of visit, the applicant abused the policemen and assaulted them. When the applicant was tried to be taken in the police vehicle, he also caused damage to the vehicle and escaped from the hands of the policemen.

7. Considering the submissions and the contents of the case-diary, and also the submission of learned counsel for the applicant that the applicant also has an apprehension that he may be assaulted and tortured by the policemen because the allegation against him is of assaulting the policemen, I am of the considered view that the applicant deserves to be released on anticipatory 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 cooperate with the investigation. 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