

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A). No. 847 of 2017

- Rohit Pradhan S/o Shri Rishikesh Pradhan, Aged About 35 Years Occupation Assistant Teacher (Panchayat) R/o Village Sankra, Police Station Sankra, Tahsil Pithoura, District Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sankra, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Mr. Yogeshwar Sharma, Advocate
For Respondent/State	: O.P. Sahu, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12.12.2017

1. Apprehending arrest in connection with Crime No.137/2017 registered at Police Station- Sankra, District – Mahasamund, Chhattisgarh, for offence punishable under Section 294, 323, of the Indian Penal Code and Section 75 of Juvenile Justice Act, the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Subsequent development has taken place that the complainant

(Sumit Sidhar) had filed an affidavit before the Sessions Court stating that he does not want to prosecute the applicant, but the said affidavit was not considered at all. The certified copy of the same alongwith another affidavit of the applicant is also filed with the application, hence, the applicant prays for anticipatory bail.

3. Learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that the statement of the complainant and others clearly shows that the applicant committed the offence as registered in the police station, hence, the applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused all the documents placed on record.
5. The case against the applicant is this that on the date of incident Prabhakar Sidhar the student of Class – V could not answer the question of the applicant, who happens to be teacher of that School, on which the applicant got angry and he gave the student punishment by beating with the stick on hand and mouth, because of which one tooth of Prabhakar Sidhar was broken. On complaint made by the father of the student (Prabhakar Sidhar) the case has been registered against the applicant.
6. Considering the submissions and contents of the case diary and further taking into consideration of this fact that the complainant- Sumit Sidhar father of the student himself has made the statement on oath that he does not want to

prosecute the applicant, this Court is of the opinion that this is a fit case where the applicant is entitled for grant of anticipatory bail.

7. 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 offences, 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. 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge