

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 422 of 2018

- Lalman Yadav S/o Basant Yadav, Aged About 65 Years, R/o Village Dindo, Chowki Dindo, P. S. Trikunda, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Chowki Dindo, Police Station Trikunda, District Balrampur Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-07-2018

1. Apprehending arrest in connection with Crime No.25/2017, registered at Police Station – Trikunda, District Balrampur Ramanujganj, Chhattisgarh for offence punishable under Section 186, 353, 332, 294, 506, 147 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. On the date of incident a team of Excise Sub-Inspector and others conducted a raid in the Village Dindo for finding illicit liquor and it was at that time they entered into the house of Saraswati Devi and Sheela Devi for search of liquor and during this search they abused and outraged the modesty of both these women, regarding which a written complaint was filed in Police Outpost Dindo of P.S. Tirkunda against the Excise Officers, on which no action has been taken by the police. In both these complaints, the applicant is named as witness. The excise officers have lodged a totally false FIR against this applicant making false allegation against him about assault and obstruction in performance of duties. The applicant is an old aged man of 65 years. Hence, it is prayed that he may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that this applicant has criminal history and he has been proceeded against under the preventive provisions of the Cr.P.C. three times. Hence, he is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The allegation as alleged in the FIR against this applicant is this, that on the date of incident when the complainant and others had been to the village Dindo for search of illicit liquor, this applicant along with 4 others assaulted the complainant and others who are public servants with clubs and sticks causing injuries to them and thus deterred them from performance of their duties. Hence, this case.

6. After due consideration on the material present in the case diary and also considering the affidavits filed by Saraswati Devi and Sheela Devi who are complainants in the complaints made against the excise team, I am of this view that this applicant deserves to be granted anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil