

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1166 of 2017

- Ishwari Prasad Sarthi S/o Late Shri Patang Ram Sarthi, Aged About 46 Years Presently Working As Sub Engineer, Municipal Corporation Raigarh, District Raigarh Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S. H. O., Police Station Jute Mill, Raigarh, District Raigarh Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sudeep Agrawal, Advocate.
For Respondent	:	Mr. V.B. Singh, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/03/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.887/2017 registered at Police Station- Jute Mill, Raigarh District – Raigarh (C.G.), for the offence punishable under Section 509-B of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is working as a Sub-engineer in Municipal Corporation, Raigarh. The complainant in this case has been found encroacher on the municipal land because of which a notice to vacate the encroached land was issued by the applicant on behalf of the Municipal Corporation on 22.12.2017 and 29.11.2017, because of which a false written complaint dated 2.12.2017 was given by the complainant against this applicant as a

counter blast of the proceedings drawn against the complainant. Applicant is a public servant and ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. No case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. The case against this applicant is this, that on the date of incident this applicant made a phone call to the complainant the victim, that to withdraw the proceedings of encroachment against her, he wanted her personally and thus made an inducement proposal. Subsequent to that written complaint was given on 2.12.2017 in PS-Jutmil, thereafter, FIR has been lodged.
6. Considered on the material present in the case diary and also this fact that some proceeding was taken up against the complainant regarding the removal of the encroachment on the Municipal land. Hence, I am of this view that applicant should be released on 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 offence, she shall be released on bail by the officer arresting her on her executing a personal bond in the 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 herself 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 her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge