

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 536 of 2018

- Chhedilal Agrawal S/o Late Ramgopal Agrawal, Aged About 68 Years, R/o- 410 Gupta Gali, Main Road, Korba, Tahsil And District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Ajak, Korba, Tahsil And District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Satish Chandra Verma, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

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

19-07-2018

1. Apprehending arrest in connection with Crime No.16/2018, registered at Police Station – Ajak, Korba, District Korba, Chhattisgarh for offence punishable under Section 499, 500, 501, 294, 506 of the IPC and Section 3(1) (द), 3(1)(घ), 3(2)(5)अ of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the SC/ST Act'), 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. No case is made out against him. This applicant has been consistently making complaint against the complainant since the year 2016 and 2017, regarding which copies of the document attached to this application. As a counter blast of that, the complainant has lodged a totally false FIR against this applicant for the purpose of demoralizing and harassing him. No case is made out according to the contents of the FIR lodged in this case. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the complainant in this case has drawn a proceeding against

this applicant regarding illegal encroachment on the Government land. The applicant while contesting that case in lawful manner has adopted unlawful means and has posted objectionable message in the social media to harass, scandalize and defame this applicant. Hence, the application may be rejected.

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

5. According to the case against this applicant, it is alleged that this applicant has posted a message in social media network of whatsapp stating that the complainant has threatened him to implicate in case of SC/ST Act and he has asked advice of the concerned. A complaint has been made by the complainant that this message is objectionable which has caused damage to the reputation of the complainant and the intention of the applicant is to defame him. Hence, this case.

6. Considered on the material present in the case diary. The concerned message in whatsapp should not be interpreted in this order because that could prejudice the trial Court, otherwise, after due consideration on the material present in the record, I am of this opinion that this applicant should be benefited with grant of 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