

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1115 of 2017

- Dharmendra Patel S/o Shri Lal Bahadur Patel, Aged About 30 Years
R/o Godaripara, Chirimiri, P.S. Chirimiri, District Korla, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Chirimiri, District Korla, Chhattisgarh.

---- Non-applicant

For Applicant : Ms. Hamida Siddiqui, Advocate
For Respondent/State : Mr. V. B. Singh, Panel Lawyer.

Hon'ble Shri Rajendra Chandra Singh Samant

Order On Board

07/02/2017

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. It is submitted by counsel for the applicant that the applicant is apprehending arrest in connection with Crime No. 293/2017, registered at Police Station Chirimiri, District – Korla, Chhattisgarh, for the offences punishable under Sections 294, 506, 323, 342, 365, 419, 468, 471, 120-B of the Indian Penal Code.
3. It is submitted that the applicant has been falsely implicated. Applicant is a Police Constable posted in Baikunthpur. No offence is made out from the statement of the witnesses of the prosecution itself, it shows that the complainant Sujeet Kumar Dutta has lodged false F.I.R. against this applicant. If the applicant is arrested and sent to jail, his service shall be affected, hence prayed that he may be granted anticipatory bail.

4. Counsel for the State opposing the bail application submits that it is clear case of abduction and others offence. It is also submitted that the applicant has criminal history of having a case registered against him. Hence, it is prayed that the applicant is not entitled for grant of anticipatory bail.
5. Heard counsel for the party and perused the case diary.
6. The facts of this case are these, that a complaint was filed by the complainant Sujeet Dutta on 29-12-2015, stating that he was called by co-accused Rajendra Singh Chouhan, it was at that time the applicant came on the spot and thereafter the co-accused and the applicant assaulted the complainant and forced him to sign on one affidavit which was supposed to give relief to the Rajan Singh Chouhan. After lodging of the F.I.R. the case has been registered and charge sheet has been filed.
7. Considered on the contents of the case diary, statement of the witnesses, by which the submission made on behalf of the applicant finds some support; further applicant is a police constable taking into consideration all the facts and circumstances of this case, I am of the view that it is a fit case where the applicant is entitled for grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the even 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 boned 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 every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge