

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 584 of 2018

- Mohammad Uvesh S/o Sheikh Hussain, Aged About 15 years and 8 months, minor, represented through mother and legal guardian Firdos Begum W/o Sheikh Hussain, R/o Ahmed Nagar, Camp-2, Power House, Bhilai, Behind Badi Masjid, Police Station Chhawani, Tahsil & District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station Chhawani, Tahsil & District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Shikhar Bakhtiyar, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-07-2018

1. Apprehending arrest in connection with Crime No.315/2018, registered at Police Station – Chhawani, District Durg, Chhattisgarh for offence punishable under Section 452, 294, 506, 323, 34 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. He is juvenile and was present on the spot only in company of his father co-accused Sheikh Hussain. A totally false allegation has been made in the FIR lodged by the complainant against him. 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 this applicant had accompanied the co-accused person in furtherance of common intention, hence, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. Complainant Salma Bano lodged the FIR stating that on 21-04-2018 at about 11.00 p.m. at night co-accused Sheikh Hussain along with his son, this applicant, forced their entry into her house and alleging that she has lodged some report in the police station against them abused her, threatened and then assaulted her with hands and fists. Hence, this case.

6. Considered on the allegation against this applicant and also considered that his age is only 15 years and 8 months, hence, for this reason, I am of this opinion that he should 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 by his guardian 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