

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 580 of 2018

- Raghvendra Kumar Vaishnav S/o Chandra Kumar Vaishnav, Aged About 35 Years, R/o Near Water Tank (Pani Tanki), Pathriya, Police Station Pathriya, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Pathriya, District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

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

Complainant Jaleshwar Prasad Verma present in person.

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

25-07-2018

1. Apprehending arrest in connection with Crime No.170/2018, registered at Police Station – Pathriya, District Mungeli, Chhattisgarh for offence punishable under Section 186, 294, 323, 452, 506/34 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. No case is made out against him. The applicant had been to the place of incident only to enquire about the stoppage of supply of electricity. Because of some annoyance with this applicant, the complainant has lodged a false FIR. The complainant himself has now realized and has given an affidavit in favour of this applicant to be submitted before this Court stating his no objection for grant of anticipatory bail, original copy of the affidavit is attached alongwith. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Complainant Jaleshwar Prasad Verma is present in person before this

Court who is identified by the counsel of the applicant has submitted that he has no objection if the applicant is granted anticipatory bail.

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

6. The allegation against this applicant is this, that, on the date of incident he went to the office of electricity department with complaint about the stoppage of electricity to his place and then he abused, threatened and assaulted the complainant and thus deterred him from performance of his official duty.

7. After considering on the material present in the case diary and also considering on the statement given by the complainant and the affidavit submitted along with, I am of this view that this applicant should be benefited with grant of anticipatory bail.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil