

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C.(A) No. 634 /2018**

Ishwar Singh, S/o. Moghan Singh, Aged About 35 Years, R/o. Parri, Post Badgaon, Police Station Doundilohara, District Balod Chhattisgarh

---- **Applicant**

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Doundilohara, District Balod Chhattisgarh

---- **Respondent**

For Applicant : Mr. B.P.Singh, Advocate.

For Respondent : Ms. Astha Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board**04.07.2018**

1. Apprehending arrest in connection with Crime No.83/2018 registered at Police Station- Doundilohara, District Balod (C.G.) for the offence punishable under Sections 186, 353, 294, 506 Part-II of I.P.C., the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Hemlal Sahu that when he went for a merg enquiry to village Raipura and another village also, he enquired some query on the R.T.I. and when he was enquiring from the present applicant in the public place at that time the applicant during enquiry got enraged, abused and also stated that call for the Axe to assault on the ground that under which order and power he was enquiring. He also tried to assault by a brick wherein the general public intervened and saved; thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the simple facts have been aggravated and without any authority when the enquiry was made by the complainant, it was objected and therefore the false report has been made. Consequently, the applicant may be released on anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of different witnesses who were present during such conversation. Considering the nature of allegations and also considering the fact that no document is placed to show that the complainant was given a power to enquire and further taking into totality of the case, I am inclined to grant the benefit of anticipatory bail to the present applicant.
6. 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, he shall be released on bail by the officer arresting him on furnishing a personal bond to a 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.

Ashok

Sd/-
(Goutam Bhaduri)
Judge