

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 718 2018**

Devendra Patel @ Gudda, S/o. Lal Bahadur Patel, Aged About 27 Years,
Occupation Business, R/o. Village Chaple (Raborton), Tahsil Kaharsia,
District Raigarh Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station -Kharsia, District -Raigarh
Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/07/2018**

1. Apprehending arrest in connection with Crime No.294/2018, registered at Police Station – Kharsia, District– Raigarh (C.G.) for offence punishable under Section 294, 506, 323, 452/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case only because of petty dispute with the complainant. It is submitted that only offence under Section 452 of I.P.C. is non-bailable offence and rest of the offences are bailable in nature. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant is this that he had some dispute with the complainant. Later on he forced his entry into the house of the complainant, then abused and threatened and also assaulted and caused simple injuries to the complainant. Hence, this case.
6. Considered the submissions made and the contents of the case diary. It is submitted that charge-sheet in this case has been filed. After considering on all the material present in the case diary and for the reason that it does not appear any specific reason to arrest and detain the applicant in jail, after the filing of charge-sheet, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram