

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 749 of 2018**

Prakash Nag, S/o. Dhaneshram Nag, Aged About 29 Years, R/o.- Samta Colony, Keshkal, Police Station Keshkal, District- Kondagaon, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through- Police Station Keshkal, District- Kondagaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Paranjpe, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**10/08/2018**

1. Apprehending arrest in connection with Crime No.63/2017, registered at Police Station – Keshkal, District – Kondagaon (C.G.) for offence punishable under Section 294, 323, 506-B, 186, 188, 353, 332 read with Section 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. No case is made out against the applicant according to the material present in the case diary. The applicant was simply in company with the main accused Shesh Narayan Sharma. On complaint made by C.G. Shramjivi Patrakar Sangh, an enquiry has been made in which the

report has been given that the engagement of this applicant in commission of offence was not found and witnesses in the enquiry have also given clean chit to this applicant. Hence, for this reason, 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. It is submitted that in the statement under Section 161 of Cr.P.C. given by the witnesses, it is clearly alleged that this applicant has also participated in the incident. Hence, the applicant is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On 06.06.2017, Patwari Manjul Ghodeshwar and other revenue officers were in the process of removing illegal encroachment in Borgaon Adega Road, it was at that time, co-accused Shesh Narayan Sharma along with this applicant interrupted the proceedings, abused, threatened and assaulted the complainant and others and have caused injuries to them and thus deterred the complainant and others in performing their official duties.
6. Considered the submissions made and the contents of the case diary. Considering the entire material present in the case diary and also considering the documents placed on record about the enquiry made by the police authority, in which this applicant has been exonerated, hence after due consideration, 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