

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 776 of 2018**

Rajendra Kumar @ Imran Sonkar S/o Late Shri Harishchandra Kumar Aged About 48 Years R/o- Dayalband Chowk Main Road, P.S.- City Kotwali, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- City Kotwali, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Awadh Tripathi, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****21.08.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 516 of 2017, registered at Police Station – City Kotwali, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 294, 323, 506 and 327 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. According to the material present in the case-diary, the offence under Section 327 of the IPC is not made out against the

applicant. Statement given by the complainant himself is not supported by any of the witnesses regarding demand of money as it is alleged to have been made by the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. It is alleged against the applicant that on the date of incident he stopped complainant – Jagdish Dwivedi on road and made a demand of Rs.2,00,000/- stating that he has to realize the money from his landlord when the complainant refused he was abused, threatened and injured by the complainant because of which, FIR has been lodged.

7. On perusal of the case-diary, it appears that apart from the complainant none of the other witnesses has given any statement that the applicant had made any demand of money from the complainant at the time of incident and also for the reason that rest of the offences apart from Section 327 of the IPC are bailable in nature. The applicant has no criminal antecedents. Hence, for these reasons, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge