

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 801 of 2018

- Awesh Tiwari S/o Narendra Tiwari, Aged About 45 Years, Caste- Bramhan, R/o- Harshit Corporate 4th Manzil, Tehsil- Albama, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Kotwali, Jagdalpur, District- Baster, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicant – Mr. Amarnath Pandey, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-09-2018

1. Apprehending arrest in connection with Crime No.362/2015, registered at Police Station – Kotwali, Jagdalpur, District- Baster, Chhattisgarh for offence punishable under Section 456, 506 of the IPC and Section 3(1)(10) of SC/ST (Prevention of Atrocities) Act, 1989, 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 only on the basis of some evidence which shows that the applicant had telephonic conversation with main accused Animesh Pal at the time of occurrence. No case is made out against this applicant. Hence, it is prayed that he may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant had in telephonic conversation guiding the main accused person for commission of the offence, hence, a conspiracy is made out. Therefore, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on the date of incident main accused

Animesh Pal committed house trespass in the girls tribal hotel and when the inmates of the hostel objected to this entry the main accused misbehaved and argued and then threatened them. The evidence against the applicant is this, that he was continuously having telephonic conversation with the main accused at the time of incident.

6. After due consideration on the material present in the case diary and considering this fact that this applicant was not present on the spot, I feel inclined to grant anticipatory bail to this applicant.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge