

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 843 of 2018

- Surendra Kumar Yadav S/o Shri Baneshwar Yadav, Aged About 35 Years, By Caste Mahkul, R/o Village Ghoghra, Thana And Tahsil Patthalgaon, Civil And Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Station Bagbahar, Police Outpost Kotba, Civil And Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Shri Anupam Sharma, Advocate for the complainant/objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-09-2018

1. Apprehending arrest in connection with Crime No.74/2018, registered at Police Station Bagbahar, Police Outpost Kotba, District Jashpur, Chhattisgarh for offence punishable under Section 294, 506, 323, 186 and 353 of the IPC, 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. In fact, on the date of incident the complainant himself was present in the spot for Batankan of land, as it appeared to the applicant that the complainant was not fair in making report of Batankan, for which he raised objection, because of which, the complainant got annoyed and himself has abused and threatened this applicant and thereafter has lodged this false FIR against him. The applicant himself has made a written complaint to police outpost Kotba under the P.S. Bagbahar on the same day, copy of which is annexed as Annexure-A/2 and similarly a complaint was presented to the Superintendent of Police on the same day against the complainant, on which no action was taken. Hence, under these

circumstances, it is prayed that the applicant may be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that it is a clear case of commission of offence of deterring a public servant from performance of his duties by assaulting him and causing injuries to him, hence, the application may be rejected.

4. Learned counsel for the objector adopts the argument advanced by the State counsel and prays for rejection of the application.

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

6. On the date of incident it is alleged that complainant Rajesh Kumar Pandey who was present on the spot as Patwari for the purpose of Batankan it was at that time this applicant abused him, threatened him and then assaulted the complainant regarding which the FIR has been lodged.

7. Considered on the entire material present in the case diary and considered on the documents filed along with the application which show that there is some allegation from the applicant side also against the complainant, hence, after due consideration, I feel inclined to grant anticipatory bail to this applicant.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge