

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case (A) No. 911 of 2018

- Tarachand Raatade S/o Late Shri Buddheshasawar Raatade Aged About 48 Years R/o- Rampur, Thana- Baraata, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Kasdol, District- Baloda Bazar, Chhattisgarh.

---- Respondent

 For Applicant : Shri Sanjay Patel, Advocate
 For Respondent/State : Shri Sanjeev Pandey, Govt. Advocate
 For Objector : Shri Suresh Verma, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

30/8/2018

1. Heard.
2. This is an application filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the applicant, who is apprehending arrest in connection with Crime No. 163/2018, registered at Police Station Kasdol, District Baloda Bazar(CG) for the offence punishable under Section 306 read with Section 34 of the IPC.
3. The allegations against the present applicant, who is Head Constable in the said Police Station, are that there was quarrel between the deceased Alok Yadav and one Taman Sahu on 15.9.2017 at about 10.00 pm at Ajgar Chowk, Kasdol and on report made by Taman Sahu, the applicant demanded some money from the deceased and on non-payment of money, he threatened him to involve in any serious offence.

4. Learned counsel for the applicant submits that there was one report of Taman Sahu in Police Station and that is why he was enquiring into the matter being a Head Constable of Police. Earlier, a report was made by the father of the deceased in the Police Station and higher authorities, but no action was taken. He further submits that prima facie no offence under Section 306 IPC is made out and therefore, present is a fit case to grant anticipatory bail to the applicant.

5. On the other hand, learned counsel for the Objector and State opposed the bail application and submit that due to repeated threatening by the present applicant, the deceased had committed suicide, therefore, it is not a fit case to grant anticipatory bail to the applicant.

6. Taking into consideration the entire fact that earlier no offence was registered and further considering that the applicant being Head Constable of Police was enquiring into the matter, present is a fit case to grant anticipatory bail to the applicant.

7. Accordingly, the bail application filed under Section 438 Cr.P.C. is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- with one surety in like sum to the satisfaction of the Officer arresting him and he shall abide by all the following terms and conditions:

(i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;

- (ii) that the accused/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 to any police officer;
- (iii) that the accused/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.
- (v) if there is any change of address of the applicant, he will immediately inform the Investigating Officer regarding his change of address.

Sd/

(Ram Prasanna Sharma)
JUDGE