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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 946 of 2018**

Jaynarayan Jaiswal S/o Bhurelal Jaiswal Aged About 46 Years R/o B 335
Urja Nagar, M.C.H. Colony, Deepka, Police Station Deepka, District Korba,
Chhattisgarh, District : Korba, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Deepka, District Korba, Chhattisgarh, District : Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Alok Gupta and Shri Goutam Khetrapal, Advocates.
For the Respondent/State	:	Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.08.2018**

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. 117 of 2018, registered at Police Station – Deepka, District – Korba, Chhattisgarh for the offences punishable under Sections 452, 427, 167, 506 and 294 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution.

Complainant – Ravikant Sahu and one of the accused Lal Babu Yadav have a dispute regarding boundary because of which, a false FIR has been lodged. The co-accused persons in this case have been granted bail by the trial Court. 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 that on the date of incident main accused – Lal Babu Yadav alongwith the applicant forcibly entered into the office premises of the complainant – Ravikant Sahu and caused mischief by destroying papers and other articles and then abused and threatened the persons present. The complainant was informed about the incident by his wife and then FIR was lodged.

7. After due consideration of all the material present in the case-diary, 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