

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1044 of 2018

- Deena Nath Singh S/o Rama Shankar Singh, Aged About 43 Years, R/o- House No. A/117, Smriti Nagar Market Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Incharge, Police Station Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Arvind Kumar Dubey, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Shri Lav Sharma, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-10-2018

1. Apprehending arrest in connection with Crime No.649/2018, registered at Police Station – Arakshit Kendra Supela, Bhilai, District- Durg, Chhattisgarh for offence punishable under Section 294, 506, 323, 452, 34 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. The only offence that is non-bailable is under Section 452 of the IPC which is not the main offence, whereas, the rest of the offences are bailable in nature. The applicant is Head Constable/Driver in police department and in case he is arrested and placed in detention that will result in his suspension from service which may show result in his career. He is ready to abide by all the conditions to be imposed on bail. Hence, 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 there is direct and clear evidence against the applicant regarding the offence that he has committed, hence, he is not entitled for grant of anticipatory bail.

4. Learned counsel for the objector submits that the applicant in inebriated condition entered into the shop of the complainant and with intention to cause his death has inflicted grievous injury. Hence, no case is made out for grant of anticipatory bail.

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

6. As alleged on the date of incident this applicant entered into the shop of complainant Suraj Sharma and because of some dispute abused him and then assaulted him causing injuries to him.

7. As the main offence of abusing and assaulting are bailable in nature and for the reason that the applicant is Police Constable, arrest and detention shall come in way of his career, hence, for these reasons, I feel inclined to allow this application.

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. It is made clear that in case there is report about repetition of such act by the applicant, this order shall be subject to cancellation.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil