

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1170 of 2018**

Bhanu Kumar Jain, S/o. Shri Parasmal Jain, Aged About 39 Years, R/o. Gandhi Chowk, Village - Selood, P.S. Utai, District - Durg, Chhattisgarh.

**----Applicant****Versus**

State Of Chhattisgarh, Through : P.S. - Utai, District - Durg, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Ms. Arpana Singh, Advocate  |
| For Respondent/State | : Mr. Avinash K. Mishra, P.L. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****04/10/2018**

1. Apprehending arrest in connection with Crime No.237/2018, registered at Police Station – Utai, District – Durg (C.G.) for offence punishable under Section 452, 294, 506 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. It is submitted that the applicant is grocery shop owner and the complainant Laxmi Thakur had purchased number of items from him without paying the price for the same. The applicant had been to the house of the complainant to demand the unpaid price of the goods purchased from his shop, because of which he has been falsely implicated in

this case. Hence, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged against the applicant on the date and time of incident, this applicant entered into the house of the complainant by jumping the boundary wall and on account of some previous reason, he abused and threatened the complainant.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram