

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1179 of 2018**

Laxman Singh Uday S/o Chataku Singh Aged About 42 Years R/o Village Jilibandh, P.S. And Tahsil Khadgawan, District - Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Kelhari, District - Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant : Shri C.K. Kesharwani, Advocate.
For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.10.2018**

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. 35 of 2005 registered at police station Kelhari, District Korea, Chhattisgarh for the offence punishable under Sections 364(A), 366, 471, 474, 343 and 120B/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The crime number above-mentioned has been investigated and without knowledge and notice of this applicant the

charge-sheet has been filed. This applicant recently came to know that the charge-sheet has been filed showing him absconding, in which all the co-accused persons have been acquitted. The applicant wants to appear before the trial Court and contest the case against him. As there is apprehension that he may be arrested, 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. It is submitted that the applicant had full knowledge of the prosecution against him and he was successfully avoided the criminal proceedings for almost 13 years. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. It is alleged in this case that the applicant alongwith co-accused persons by force abducted the complainant and by putting him under threat forced him to swear the false affidavit. Hence, this case.

7. Considering the entire material present in the charge-sheet, and also considering the nature of the case and the fact that the co-accused persons have been tried and acquitted by the concerned Court, I am of the considered opinion that the applicant deserves to be released on 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