

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 947 of 2017**

1. Manoj Pawar, S/o Late Tekhan Singh Pawar, aged about 42 years.
2. Naresh Kumar Singh (Pawar), S/o Shri Anoop Singh Pawar, aged about 44 years.

Both R/o Village-Siloda, Post Office-Rasmada, Police Station-Pulgaon, Chowki-Anjora, Distt. Durg (C.G.).

**---- Applicants**

**Versus**

- State of Chhattisgarh: Through-Station House Officer, Police Chowki-Anjora, Police Station- Pulgaon, Distt. Durg (C.G.)

**---- Non-applicant**

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| For Applicants | : | Ms. Fouzia Mirza, Advocate. |
| For the State  | : | Mr. Wasim Miyan, P. L.      |

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

**Order On Board**

**01/02/2018**

1. Heard.
2. Applicants are apprehending arrest in connection with Complaint Case No.416/2017 registered for offence punishable under Section 186, 353, 332, 427 of IPC pending in the Court of Judicial Magistrate First Class, Durg, District Durg the applicants have filed this application under Section 438 of the Cr.P.C. for grant of anticipatory bail.
3. Learned counsel for applicants submits, that applicants have been falsely implicated in this case. It is submitted that when a function of Kwarjyoti Kalash was going on in Village Rasmadha, all of a sudden 11 Kl. Volt electricity wire was broken and the electricity supply on the place of function was tripped. Thereafter, applicant went to the Electricity Sub-Station at Rasmadha to make a complaint where he

found complainant- P. L. Maheshewary in inebriated condition who refused to attend and rectify the electricity supply to the function, because of which, some altercation took place between them. Subsequently, the compromise was also entered between the applicant and the complainant, but despite that, the complainant lodged false report against the applicant. One FIR has been lodged by Jayant Deshmukh of the same incident, on which a case has been registered against the complainant P. L. Maheshewary for the offence punishable under Section 294, 506 of IPC. And the FIR describes the same incident, which is a counter case of the case registered against the applicant. Hence, it is prayed that applicant be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the bail application.
5. Heard both the parties and perused the case diary.
6. Complainant has given a written complaint stating that on receiving a complaint about tripping of electricity supply within the jurisdiction of sub-Centre, Rasmadha. The applicants arrived on the spot with the 15 to 20 associates, by using abusive words assaulted the complainant and caused injuries to him. Thereafter, some furniture kept in the control room were also damaged by the said persons. It is alleged that applicants, who are a Government servant, deterred the complainant a public servant in performance of his official duties.
7. Considered on the submissions and the contents of the case diary.
8. Taking into consideration all the material available on record, It appears that complainant has suffered simple injuries and also taking into consideration this fact that there is a counter case against the complainant with respect to the same incident, I am of the considered

view that the applicants should be benefited for grant of anticipatory bail.

9. 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 them on executing a personal bond in sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants 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