

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 14 of 2018

- Deepak Netam S/o Shri Parau Netam, Aged About 23 Years R/o Near Khamtarai Water Tank, Police Station Sarkanda Bilaspur District Bilaspur Civil And Revenue District Bilaspur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Sarkanda District Bilaspur Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. Raza Ali, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.
For Objector : Mrs. Smita Ghai, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/07/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.187/2016 registered at Police Station- Sarkanda, District – Bilaspur(C.G.), for the offence punishable under Section 451, 294, 323, 506, 365/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. It is further submitted that the earlier offence that were registered against this applicant did not include Section 365 of IPC and this applicant was granted regular bail

by the Court concerned but later on, on the basis of the additional statement given by the complainant, Section 365 of IPC has been added and the supplementary charge-sheet has been filed against this applicant because of which there is apprehension of his arrest, hence, it is prayed that he may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Learned counsel for Objector adopts the arguments of the State and submits that the offence alleged is of grievous nature, hence, no case is made out for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. The allegation against this applicant is this, that applicant forced his entry into the house of complainant then after abusing and threatening he assaulted him causing simple injury. He was also abducted by the applicant. Hence, this case.
7. The offence of abduction for wrongful confinement has been added later on, on the basis of additional statement given by the complainant. Hence, after due consideration on all the material present in the case diary, I am of this view that this is a fit case where 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 applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge