

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1407 of 2018

- Akash Mishra S/o Chandra Shekhar Mishra Aged About 31 Years R/o Village Bunga, Tehsil and Police Station Pusour, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Police Station Pusour, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Mateen Siddiqui, Advocate.
For Respondent	:	Mr. Avinash K. Mishra, PL.
For Objector	:	Mr. Manoj K. Jaiswal, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.204/2018 registered at Police Station- Pusour, District – Raigarh(C.G.), for the offence punishable under Sections 294, 506 & 452 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Out of the offence registered against this applicant, only Section 452 of IPC is non-bailable, which is not a main offence. No case is made out against him according to the evidence present in the case diary. Hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that clear allegation has been made by the complainant in this case against the applicant. Further, this applicant has criminal antecedents of having been proceeded against under the provisions of CrPC and he has also been prosecuted in two similar cases in the year of 2010-2015. Hence, the application be rejected.
4. Adopting the arguments advanced by learned counsel for the State, it has been submitted by learned counsel for objector, that the applicant is pressurizing and threatening the complainant because of which she is compelled to leave the village where she resides, regarding which complaint has been given to the police. Hence, the application be rejected.
5. In reply, learned counsel for the applicant submits that the applicant in all the proceedings against him have concluded and he is acquitted in all the previous cases against him. It is also submitted that the complainant herself has a grievance because she is a loser in Sarpanch election.
6. Heard both the parties and perused the case diary.
7. It is alleged that some complaint was given by the complainant against mother of the applicant who happens to be Sarpanch, regarding which inquiry was being conducted. On the date of incident this applicant came to the house of the complainant and then abused and threatened her for the complaint given by her. Hence, this case.
8. After considering 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.

9. Accordingly, the anticipatory bail application of applicant 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 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)

Judge