

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1475 of 2018**

Guharam Tondan @ Nandu Tondan, S/o. Late Shayam Lal Tondan, Aged About 38 Years, R/o. Old Basti Baloda- Bazar, Police Station- City Kotwali, Baloda- Bazar, District- Baloda- Bazar- Bhatapara, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, City Kotwali Baloda- Bazar, District- Baloda- Bazar- Bhatapara.

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent/State : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/12/2018**

1. Apprehending arrest in connection with Crime No.587/2018, registered at Police Station – City Kotwali, Balodabazar, District – Balodabazar – Bhatapara (C.G.) for offence punishable under Section 147, 149, 186, 294, 323, 332, 336, 353, 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. No case is made out against the applicant on the basis of the material present on record. The applicant was himself abused and threatened by Deenanath Sahu on the date and time of the incident because of

which, he has been falsely implicated in this case. Therefore, it is prayed 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. It is alleged that on 25.09.2018 at about 11.15 PM, Constable – Devnarayan Dhruw was on duty in place of immersion of Ganesh idols in water, when he saw some persons engaged in fight, abusing and threatening each other and when the complainant and others tried to intervene, co-accused Nandu Tandon and his 9-10 associates pelted stones on the police party because of which Dhanesh Sharma, Constable, Umesh Chandravanshi, Constable, Devnarayan Dhruw, complainant suffered some injuries. Hence, this case.
6. Considered the submissions made and the contents of the case diary. The only name of this applicant has though appeared in the FIR, but he was not alone who has pelted stones, hence after due consideration, 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