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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1465 of 2018

- Umashanker Yadav S/o Shri Parkhit Yadav, Aged About 30 Years, By Caste Mahkul, R/o Village Katangjor (Dagudih) Thana Patthalgaon, Civil and Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Patthalgaon, Civil and Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-11-2018

1. Apprehending arrest in connection with Crime No.255/2018, registered at Police Station – Patthalgaon, District Jashpur, Chhattisgarh for offence punishable under Section 452, 294, 323 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant under the provisions of Section 452 of the IPC which is non-bailable offence. The applicant and the complainant both reside in a shared house, hence, no question arises of house-trespass in this case. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged that on the date of incident this applicant entered into the room of the complainant and assaulted her with stick after abusing her.
6. Considered on the entire material present in the case diary. As the main offence in this case are bailable in nature apart from the offence of house-

trespass, hence, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge