

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1508 of 2018**

Manish Dixit, aged about 49 years, S/o. Late Jagdish Prasad, Occupation – Advocate, R/o. City Kotwali Chowk, Gol Bazar, Police Station -City Kotwali, Bilaspur, District – Bilaspur (C.G.)

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer, P.S. - Civil Line, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Suryakant Mishra, Advocate
For Respondent/State	: Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/11/2018**

1. Apprehending arrest in connection with Crime No.453/2017, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 452, 427, 506, 147, 294 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. The applicant is practicing as an Advocate and is landlord of the house, in which the complainant is residing as tenant. As the complainant was unauthorizedly making some construction in the tenanted house, the applicant made a complaint to the Municipal Corporation, Bilaspur on 06.06.2017 and as a counter blast to that, the complainant has

lodged this FIR against this applicant on 16.06.2017, which is totally baseless and without any substance. Apart from the offence under Section 452 of I.P.C., rest of the offences are bailable in nature, which are the main offences. 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. According to the FIR lodged by the complainant Smt. Anju Sadafale, she is tenant of the applicant and on the date of incident, this applicant along with 8-10 other persons entered into her house and caused mischief by throwing roofs tiles, when the complainant objected, she was threatened and abused by the applicant and his other associates. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and considering the facts and circumstances of the case, 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