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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1558 of 2018

- Vijay Shankar Bande S/o Mirit Ram Bande, Aged About 35 Years, R/o- Village Pondi (S.), P.S. Sirgitti, Tahsil Bilha, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Koni, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.P. Banjare, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

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

05-12-2018

1. Apprehending arrest in connection with Crime No.340/2018, registered at Police Station – Koni, District- Bilaspur, Chhattisgarh for offence punishable under Section 452 & 506/34 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. This applicant had never been to the house of the complainant and the husband of the complainant never borrowed Rs.10,000/- from him. She has made totally false allegation against this applicant. Co-accused persons has been granted bail by the Court below. Apart from the offence under Section 452 of the IPC, rest of the offence registered against the applicant are bailable in nature. Therefore, 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 submitting that there are clear allegation against the applicant, hence, no case is made out for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Complainant Sangeeta Bahrgav has lodged the FIR that on the date of

incident at about 12 p.m. at night this applicant along with his father came and forced their entry into her house and then abused, threatened and assaulted the complainant saying that her husband has to return Rs.10,000/- to this applicant, regarding which the FIR has been lodged.

6. Considered on the entire material present in the case diary. It appears that the main offence in this case are bailable, only the offence of house-trespass is non-bailable, hence, after due consideration, 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