

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1562 of 2018

- Vinod Patel S/o Shri Jairam Patel, Aged About 44 Years, R/o Village Kunjemura, Police Station Tamnar, District - Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tamnar, District - Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Ms. Madhunisha Singh, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-12-2018

1. Apprehending arrest in connection with Crime No.248/2018, registered at Police Station – Tamnar, Raigarh, District - Raigarh, Chhattisgarh for offence punishable under Section 294, 323, 385, 452, 506B & 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. No case is made out against this applicant, according to the evidence collected in the investigation. The applicant and the complainant both had a simple dispute between them, but the complainant has filed this false FIR making totally false allegation against the applicant. Hence, it is prayed that the applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that no case is made out for grant of anticipatory bail to this applicant.
4. Heard learned counsel for the parties and perused the case diary.
5. The case against this applicant is this, that on the date of incident this applicant along with other co-accused persons entered into the office of complainant Suresh Mistri where the complainant was abused, assaulted and

thrashed. Hence, this case.

6. Considered on the entire material present in the case diary. Apart from the offence under Section 452 of the IPC rest of the offences registered against the applicant are bailable in nature, whereas, the other offences are the main offences, hence, under these circumstances, 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