

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 37 of 2019**

Jeevan Lal Kamde S/o Dukhram Aged About 50 Years R/o Village Post,
police Station And Tahsil Chhuikhadan District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

Lochan Ram S/o Late Shri Siru Ram Aged About 48 Years Caste Kumhar
R/o Village Newarikala, Police Station And Tahsil Balod District Balod
Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Gautam Khetrapal and Shri Resham Lal Jaiswal, Advocates.
For the Respondent	:	None for the respondent though served.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.09.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Complaint Case No. 132 of 2018, registered at Police Station – Chief Judicial Magistrate, Balod, District – Balod, Chhattisgarh for the offence punishable under Section 174(A) the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The complaint case against the applicant is

not maintainable in view of the provision under Section 195(1)(a) of the Cr.P.C. as it is not a complaint filed by any public servant and the complainant/ respondent in this case is a private person, therefore, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Respondent – Lochan Ram is unrepresented.

5. On perusal of the rejection order, it is found that on a complaint filed by the respondent, the trial Court has taken cognizance against the petitioner for trial for the offence under Section 174(A) of the IPC. It is undisputed that the respondent is a private person and the complaint has not been filed by the Court concerned or any other public servant. Therefore, looking to this technicality, I feel inclined to grant anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge