

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 153 of 2019**

Resham Lal Dahire, S/o. Shri Mailu Ram, Aged About 34 Years, R/o. Majhapara, Jharhabhata, Police Station Civil Line District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Civil Line Bilaspur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Lav Sharma, Advocate & Mr. K.P.S. Gandhi, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/02/2019**

1. Apprehending arrest in connection with Crime No.1049/2018, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 147, 148, 294, 323, 452, 506 & 34 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. No case is made out for commission of offence under Section 452 of I.P.C. as according to the contents of the FIR itself, no trespass was committed in the residential place or in property. As the remaining offences are bailable in nature, therefore, it is prayed that 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. It is submitted that this applicant has been named as the main accused in the FIR

lodged. Therefore, no case is made out for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On the date of incident because of some previous enmity complainant Mukesh Lathire was pulled down from his betel shop and then abused threatened and beaten causing injuries to him by this applicant along with five other co-accused persons. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the material present in the case diary it has appeared from the investigation so far that shop of the complainant was actually a receptacle and it is not a place of residence etc. as it is defined under Section 452 of the Indian Penal Code, hence for this reason, 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