

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 164 of 2019**

Shyamlal Chouhan, S/o. Shri Teejram @ Pyarelal Chouhan, Aged About 55 Years, Occupation - Service (Assistant Platanu Commander) 20 Batalian Mahasamund, Permanent R/o. Village Godam, P.S. and Tahsil Sarangarh, District Raigarh Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Station House Officer of The Police Station Sarangarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Abhisek Saraf, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/02/2019**

1. Apprehending arrest in connection with Crime No.741/2018, registered at Police Station – Sarangarh, District – Raigarh (C.G.) for offence punishable under Section 452, 294, 506, 323/34 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 against the applicant on the basis of the material present on record. The applicant is a public servant posted as Assistant Platoon Commander in Mahasamund. No incident has taken place inside the house and the offence under Section 452 of I.P.C. is

deliberately added to make the offence non-bailable. In fact, it was a case of free fight, therefore, the applicant side has also lodged FIR against the complainant, which has been registered as Crime No.742/2018 by Police Station – Sarangarh against the complainant and others registering the similar offences. 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 there is clear evidence that the complainant was pulled out from his house and beaten by the applicant and others, therefore, the offence under Section 452 is made out, which is non-bailable offence, therefore, the application be rejected.
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, on the date of incident at about 1.30 PM, this applicant and other co-accused persons pulled out the complainant – Bodhram from his house and then abused and threatened and assaulted him causing injuries to him. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present on record and also considering the FIR lodged against the complainant as a counter 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