

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 398 of 2019**

Sanjay Mishra S/o Late Rambadan Mishra Aged About 50 Years R/o Ring Road Bouripara, Ambikapur, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicant : Shri V.K. Pandey, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.03.2019**

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 Crime No. 714 of 2017, registered at Police Station Kotwali, Ambikapur, District Surguja, Chhattisgarh for the offence punishable under Sections 506, 353 and 186/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. On 30.11.2017, the applicant was served with

a notice for removal of construction on encroached land for the purposes of widening the road. The complainant and other officials came in the night of the same day at about 21:30 hours for the purpose of demolition of construction of the applicant. Because of that some dispute arose between them and on the contrary, the applicant was thrashed and abused by the complainant and others, even then, he has been falsely implicated in this case. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant has deliberately deterred the public servants for performing their duties by assaulting and injuring them. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged on 30.11.2017 at about 21:30 hours, Ramesh Kumar Mor, Tehsildar and other officers of Revenue Department came to the house of the applicant for removal of encroachment. At that time, the applicant abused and threatened them and also used criminal force to deter them from performing their official duties.

7. After considering the entirety of the material present in the case of the applicant, I feel inclined to grant anticipatory bail to the applicant.

8. 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, she shall be released on bail by the Officer arresting her 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. She shall also abide by the following conditions:

- '(i) that the applicant shall make herself 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 her by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge