

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 491 of 2019

- Babumani Pandey, S/o Late Jwala Prasad Pandey, Aged About 34 Years, R/o Sichai Colony, Darri, Tahsil Katghora, District Korba Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Of Police Station Ajak, Korba, District Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For Respondent : Mr. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

10/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.20/2018 registered at Police Station-Ajak Korba, District-Korba(C.G.), for the offence punishable under Section 294, 365, 506, 323 r/w 34 of the Indian Penal Code and Section 3(2-5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The date of incident is mentioned as 19.11.2018 whereas the FIR has been lodged on 26.1.2019 after sufficient delay

regarding which no explanation has been given by the complainant. Infact, the applicant and others had some political rivalry with the complainant, because of which this false FIR has been lodged against this applicant and the others. The other co-accused persons have been granted regular bail by the co-ordinate Bench of this Court, hence, it is prayed that application be allowed.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that his name has reflected in the FIR lodged as being a party in the commission of offences registered in this case, therefore, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. FIR has been lodged, stating that on 19.11.2018 the complainant Sadhram Navrange was forced by this applicant and the other co-accused persons to sit on a vehicle. The complainant was blind folded and then he was not allowed to get down from the vehicle for about one hour and during that time the vehicle kept running on the roads. The complainant was also abused, threatened and manhandled and lastly, the complainant was dropped in front of the police -station. Hence, this case.
6. After considering on the entire material present in the case diary and considering this fact that the complainant had delayed in lodging the FIR was to be essentially explained by complainant, therefore, I am of this opinion that this is a fit case where applicant should be granted anticipatory bail.
7. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha