

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 591 of 2019

- Ramesh Yadav S/o Anantram Yadav, Aged About 65 Years, R/o Village Chandargadhi, Police Station Pathariya, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Mungeli, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Anish Tiwari, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-05-2019

1. Apprehending arrest in connection with Crime No.597/2018, registered at Police Station – City Kotwali, Mungeli, District Mungeli, Chhattisgarh for offence punishable under Section 294, 325, 506, 397, 427, 201 of the IPC and Section 3(1)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short 'the SC/ST Act'), the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. Earlier the FIR was registered against the applicant for offences under Section 294, 323, 506 and 392 of the IPC, in which the applicant was enlarged on regular bail by the Court below. But, later on, offences of Section 325 and 397 of the IPC have been added and offence under Section 3(1)(v) of the SC/ST Act has also been added, hence, the applicant is apprehending arrest. No case is made out for the added offence against him and for the reason that he had been earlier given liberty by the Court below, it is prayed that the application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application

submitting that looking to the injury that was caused to the complainant at the time of commission of offence of robbery, no case is made out for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. As alleged, on the date of incident this applicant accosted the complainant and on account of some dispute then he abused him, threatened him and then assaulted him with a club causing injury above his right eye and forehead. At the same time he looted the mobile phone of the complainant. Hence, this case.

6. Considered on the entire material present in the case diary. According to the MLC report, there is not grievous injury reported to have been caused to the complainant, also for the reason that the applicant was also on bail granted by the Court below and thereafter addition of offence has caused apprehension of his arrest, hence, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil