

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 636 of 2019

- Laxmi Prasad Ahirwar S/o Late Shri Panna Lal Ahirwar, Aged About 55 Years, Posted as Deputy Director (Agriculture) at Dhamtari, Chhattisgarh and having permanent resident at H. No. 17, Ridhi-Sidhi Block, Near Bhatia Complex, Amlidih, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - Station House Officer, Police Station Rudri, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sharad Mishra, Advocate.

For Non-applicant/State – Shri Samdarsh Nirankari, Panel Lawyer.

Shri Adil Minhaj, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-05-2019

1. Apprehending arrest in connection with Crime No.23/2019, registered at Police Station – Rudri, District Dhamtari, Chhattisgarh for offence punishable under Section 4 of CG Tonhi Pratadna Nivaran Adhiniyam, 2005, 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. No case is made out. In fact, husband of the complainant had been harassing this applicant, because of which this applicant had issued a show cause letter to him, in which he has very bonafidely mentioned on the basis of the informations received that husband of the complainant has practiced witchcraft on him. Apart from that, the applicant had no other intention. The applicant is a Government servant posted as Deputy Director (Agriculture) at Dhamtari. Therefore, it is prayed that he may be granted anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that the statement made by the applicant in show cause letter very

clearly makes out a case of identifying a sorcerer which is an offence, therefore, the application may be rejected.

4. Learned counsel for the objector/complainant submits that the applicant is habitual in making defamatory and objectionable remarks and statement in his official correspondence with the husband of the complainant. Therefore, he is not entitled for grant of anticipatory bail.

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

6. The offence has been registered on this basis that the applicant gave a show cause notice to Sunil Dewangan who is Agricultural Extension Officer, in which, he after mentioning the activities of said Sunil Dewangan, had stated that Sunil Dewangan has practiced witchcraft on him. On that basis, the offence has been registered.

7. After considering on the facts, circumstances and nature of this case, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil