

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 778 of 2019**

Kanval Jeet @ Ranju Saluja S/o Govindsingh Aged About 39 Years R/o Bhawarpur, Tahsil Basna District - Mahasamund Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Basna, District Mahasamund Chhattisgarh.

---- Respondent

For the Applicant : Ms. Sharmila Singhai, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.07.2019**

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. 170 of 2019, registered at Police Station – Basna, District Mahasamund, Chhattisgarh for the offence punishable under Sections 186, 332 and 353 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has not committed any offence. On the date of incident, the applicant's vehicle was stopped for checking by the complainant, who is an Executive Magistrate and despite several

requests when the vehicle was not released, this applicant then on his own drove his vehicle and come back to his home because of which, false FIR has been lodged. He has not committed any offence as it is alleged in the FIR. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that because of elections, complainant – K.K. Chandrakar, Naib Tehsildar, was present on the spot performing the duty of checking the vehicles when this applicant has manhandled, abused and threatened the complainant. Hence, he is not entitled for grant of anticipatory bail.

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

6. According to the prosecution case, on the date of incident, the vehicle of the applicant was stopped by Executive Magistrate and his team for checking. It is alleged that this applicant abused, threatened, assaulted and injured the officials engaged in the checking regarding which, FIR has been lodged.

7. Lodger of FIR is Executive Magistrate. As there appears to be no provision in law that Executive Magistrate can do the checking of vehicles and after overall consideration of all the facts and circumstances, 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, 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. He 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 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