

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1348 of 2019

Hidayat @ Magdha Khan S/o Shri Sariyatulla, aged about 37 years R/o Village Belkharikha, Ambikapur, Police Station Darima, District: Ambikapur (Sarguja) (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Darima, Distt. Ambikapur (Sarguja) (C.G.)

---- Respondent

For Applicant	:	Mr. Nitesh Shrivastava, Advocate
For Respondent	:	Ms. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

05/11/2019

1. The Applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 94/2019 registered at police station Darima, District Ambikapur (Sarguja) (C.G.) for the offence punishable under Sections 294, 323 & 506 of the IPC and Section 3-1(r) & 3-1 (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. As per prosecution story, on 22/07/2019 Complainant Sutru Ram Kanwar made a report in the above police station alleging therein that on the same day, the Applicant abused him in filthy language on the name of his caste. The Applicant also threatened him to kill and committed Marpeet with him by hands and fists. On the basis of said report, offence has been registered.
3. Learned counsel appearing on behalf of the Applicant submits that the

Applicant has been falsely implicated in the present case. Virtually prior to 15 days of lodging the report by the Complainant, he theft a mobile phone belonging to the Applicant and when the Applicant demanded the said phone, a dispute arose, between them. Thereafter, the Complainant to secure himself from the report of theft, had made a false report against the Applicant. Prima-facie no offence is made out against the Applicant. He prays that the Applicant may be granted benefit of anticipatory bail.

4. On the other hand, learned counsel appearing on behalf of the State opposed the bail application.
5. I have heard counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case and the submission put forth by the counsel for the parties, particularly considering that the Complainant himself had admitted the fact that the Applicant had made allegation against him with regard to theft of mobile phone and after 15 days of that present complaint has been lodged by him, without further commenting on other merits of the case, I am inclined to grant the benefit of anticipatory bail in favour of the Applicant.
7. Accordingly, this bail application is allowed.
8. It is directed that in the event of arrest, the Applicant shall be released on bail on his furnishing a bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/Applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. 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/-
(Arvind Singh Chandel)
Judge

Rahul