

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1459 of 2019**

- Prabal Kumar Chand S/o Late Manoranjan Chand Aged About 62 Years R/o Babuline, Chhotibazar, Near Post Office, Chirmiri, Police Station Chirmiri District Korea, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Khadganwa, District Korea, Chhattisgarh.

---- Respondent

For Applicant	: Shri Raj Kumar Gupta, Advocate.
For Respondent/State	: Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/11/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 143/19 registered at Police Station Khadganwa, District – Korea, (C.G.). for the offence punishable under Sections 374, 506, 342, 363, of I.P.C. and Section 3 (2)(V A) of SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution story, on 14.07.2019 complainant Balkaran, lodged an F.I.R. against the present applicant alleging therein that on 11.07.2019 applicant has kidnapped his minor son and wrongfully confined him for unlawful labour. It is alleged that applicant took the son of the complainant to his house and kept him there till 13.07.2019. On the basis of the said report, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that all the offences are bailable except the offence relating to atrocities. No content of atrocity is found in the F.I.R. As per the F.I.R., complainant has stated that he came to know about the incident through his son and thereafter, complainant has lodged the report. He further submits that complainant and his son used to work in the farm of applicant and due to payment/wage, quarrel between both the parties took place. Applicant has also reported the said matter and thereafter case was registered against complainant. Since no case of atrocities is made out against applicant. Looking to the above, it is prayed that applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that F.I.R. has been lodged by the complainant only on the basis of information given by his son but statement of his son was not recorded, also no content of atrocities is found in the F.I.R., therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) He 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to his/her by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge