

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1473 of 2019**

- Santosh Markande S/o Late Budharu Markande, Aged About 33 Years R/o Minimata Chowk, Gudhiyari, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Station Tikrapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Chakresh Tiwari, Advocate.
For Respondent/State	: Shri Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****03/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 477/2019 registered at Police Station Tikrapara, Raipur, District – Raipur, (C.G.). for the offence punishable under Sections 294, 323, 34, 452, 506 of I.P.C.
2. As per the prosecution story, on 01.08.2019 complainant Sanjeev Singh Yadav, who is a property dealer lodged a report alleging therein that he was having previous dispute regarding land with the applicant. It is alleged that in the night of 19.07.2019 around 11:30 PM, present applicant along with his 2-3 clients came to the house of the complainant and started abusing him in filthy language and threatened

him to life, thereafter they went away. On the basis of the above 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 due to some previous dispute. He further submits that except offence under Section 452 of I.P.C., all other offences are bailable. Incident occurred on 19.07.2019 and F.I.R. has been lodged on 01.09.2019, thus, delay in lodging the F.I.R. is not duly explained. It is further submitted that applicant is a reputed person and he has no previous antecedent. 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, 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 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 him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge