

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1307 of 2018**

Moinuddin, S/o. Karimuddin, Aged About 59 Years, R/o. Husainganj, Teen Bakari Mudha, Post Ragaul, District Hamirpur, Uttar Pradesh.

----Applicant**Versus**

1. State Of Chhattisgarh, Through : The Station House Officer, Supela, District -Durg Chhattisgarh.
2. Mobin Khan, S/o. Latif Khan, Aged About 38 Years, R/o. House No.14 In Front Of City Cottage Apna Super Bazar Chandra Nagar Kohka, Ward No. 8, Police Station Supela, Bhilai, District Durg Chhattisgarh.

---- Respondents

For Applicant	: Mr. Ishan Verma, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer
For Respondent No.2	: Mr. Purnendra Khicharia, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****21/01/2019**

1. Apprehending arrest in connection with Complaint Case No. 1964/2017, registered at Police Station – Supela, District – Durg (C.G.) for offence punishable under Section 294, 323, 452 and 506 (B) of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant is the uncle-in-law of the respondent

No.2, complainant. It is a case of family dispute between them. The complainant has lodged FIR making totally false allegation against him. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. Counsel for the respondent No.2/complainant submits that no case is made out for grant of anticipatory bail. However, in case this Court allows this application for grant of anticipatory bail in that case, a direction may be issued that in case of any default, the applicant may be arrested and placed in detention.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. It is alleged that on 06.03.2017, this applicant committed house trespass in the house of the complainant and then abused threatened and also caused injuries to the complainant. Hence, this case.
7. Considered the submissions and the contents of the case diary. After considering on the entire material present in the case diary it appears that main offence in this case are bailable offence and the only offence under Section 452 is non-bailable. Further looking to this fact that the applicant and the respondent No.2 are related to each other and there may be possibility of compromise between them, hence after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

9. 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 trial Court. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge