

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1545 of 2018

- Nijamuddin @ Hussain S/o Abrar Ahmad, Aged About 24 Years, R/o Village Subhash Nagar Maudahapara, Police Station Ganj, Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer-in-Charge, Police Station Maudahapara, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Badruddin Khan, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-01-2019

1. Apprehending arrest in connection with Crime No.420/2018, registered at Police Station –Maudahapara, Raipur, Chhattisgarh for offence punishable under Section 294, 506, 323, 327 of the IPC and Section 25 & 27 of Arms Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against him. There is no clear statement made by the complainant that this applicant was present at the time of the incident and there is no allegation that this applicant had threatened the complainant by brandishing a knife. Further, the complainant himself has appeared before the Court below and made statement of no objection in granting anticipatory bail to the applicant. Therefore, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant is named in the FIR and the statement under Section 161 of the Cr.P.C. by the complainant alleging his participation in the offence, hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.

5. The FIR has been lodged by complainant Dilip Kumar Sahu that on the date of incident he was accosted by co-accused Monu and Babu along with this applicant and they made demand of money for buying liquor, when the complainant refused he was abused, threatened, assaulted and injured by them and he was also threatened with a knife by co-accused Monu.

6. Considered on the entire material present in the case diary. Only for the reason that the complainant himself appeared before the Court and made statement that he has no objection in granting anticipatory bail to the applicant, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge