

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1657 of 2018**

Devi Rathore, S/o. Late Choote Lal Rathore, Aged About 28 Years, R/o. Neta Ji Chowk, Janjgir, P. S. Janjgir, District Janjgir Champa Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, through ; S.H.O., P. S. Janjgir, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ravindra Sharma, Advocate
For Respondent/State	: Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/01/2019**

1. Apprehending arrest in connection with Crime No.712/2018, registered at Police Station – Janjgir, District – Janjgir-Champa (C.G.) for offence punishable under Section 186, 353, 332 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 fact is this that the complainant himself raised a dispute after the applicant had received the summons, which was brought for service upon his mother because of which, a quarrel took place and simply scuffle had taken place and no act has been

committed by this applicant to deter the public servant in performing the duty. Hence, for this reason, 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. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The complainant is police constable, who had been to the shop of this applicant for service of summons on his mother. On enquiring about the person summoned, the applicant misguided and then received the summons by putting false signature on it, when the applicant requested for appropriate signature, it is alleged that this applicant quarreled, caught hold and then slapped him. Hence, this case.
6. Considered the submissions and the contents of the case diary. After considering on the entire material present in the case diary and considering the nature of offence committed, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram