

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 136 of 2019

- Ravindra Patel S/o Late Shri Tali Prasad Patel, Aged About 64 Years, R/o Village Basti, Tahsil and Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri J.K. Gupta, Advocate.

For Non-applicant/State – Shri Mahesh Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-02-2019

1. Apprehending arrest in connection with Crime No.172/2003, registered at Police Station – Saraipali, Mahasamund, District- Mahasamund, Chhattisgarh for offence punishable under Section 294, 188, 353 of the IPC and 3(1)(10) of the SC/ST 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. Complainant Sohan Lal Chouhan was Assistant Accountant in Sahkari Bank, where this applicant was the President. Because of some misconduct committed by the complainant this applicant has proceeded against him, therefore, this false FIR was lodged against the applicant by the complainant. The case is now before the trial Court and the applicant is apprehending arrest because process has been issued against him. The applicant wants to appear and contest the case against him. Therefore, it is prayed that he may be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the case diary of the concerned crime number is not available, however, looking to the length of the period this applicant has

avoided the process of the Court, he should not be granted anticipatory bail.

4. Heard learned counsel for the parties and perused the documents.

5. The allegation against this applicant is this, that he abused the complainant, deterred him from performing official duties and also assaulted him at the same time knowing well that the complainant belongs to Scheduled Castes. Hence, this case.

6. The explanation that has been given in the application is this, that this applicant was informed that the case has been settled and there is no need of him to give appearance in the case.

7. Only for the reason that the case against the applicant is pending since long and the trial is withheld because of his non-appearance, therefore, for the purpose of expediting the trial, I feel inclined to allow this application.

8. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil