

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 222 of 2020

Rakesh Chhabda S/o Mukundi Lal Chhabda, aged about 43 years, Block President Jogi Congress, Lormi, R/o Ward No.06, Lormi, District: Mungeli (C.G.)

---- Applicant

Versus

State Of Chhattisgarh through Station House Officer, Police Station: Lormi, District: Mungeli (C.G.)

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For Respondent/State	: Mr. Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/02/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 16/2020, registered at Police Station: Lormi, District: Mungeli (C.G.) for the offence punishable under Section 294, 323, 452, 506, 186, 353 of IPC.
2. As per the prosecution story the son of the Applicant received some injuries while playing at school. While receiving the said information the Applicant reached the school along with his wife. The complainant who is a sports teacher of DAV MM Public School reached on the spot along with the principal of the said school. It has been alleged by the complainant him that on 10.01.2020 at around 02:00 P.M. the Applicant entered the school and abused the sports teacher and also smashed 2-3 slaps to him and threatened the principal that he will daily come to school and abduct the sports teacher if necessary action is not taken against him. On the basis of said offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that Prima Facie no case under Section 452 of IPC can be made out against the

Applicant because the complainant in his statement recorded under Section 161 of Cr.P.C he himself stated that the incident took place on stairs situated outside the *Verandah* which is an open place therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and particularly considering the fact that the incident took place on stairs situated outside the *Verandah* which is an open place, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting her and she shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made herself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge