

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 548 of 2020

Vinod Sahu S/o Gokulram Sahu, aged about 43 years, R/o Village Lakhanpuri,
District North Bastar Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Charama, District North Bastar
Kanker, Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.S. Rajput, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/06/2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this first 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. 136/2019, registered at Police Station: Charama, District: North Bastar, Kanker (C.G.) for the offence punishable under Section 294, 323, 506, 427 & 394 of IPC.
3. According to the case of the prosecution, on 19.08.2018, complainant namely Smt. Janki Yadav lodged a written complainant, alleging therein that, the present Applicant had assaulted her and also used filthy language and taken her mobile phone. On the basis of said offence under Section 294, 323, & 506 of IPC was registered against the Applicant. Since, all the offences are bailable in nature therefore the Applicant was already released on personal bond on 01.06.2019. Thereafter, on 07.03.2020, police has added offences under Section 394 and 427 of IPC.
4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He submits that in this case all the offences registered against the Applicant are bailable therefore, on 07.03.2020 police has added more offence under Section 394 & 427 of IPC. He submits that though, in FIR it has been mentioned that at the time of incident, mobile of the complainant was taken by the Applicant but during course of investigation, that mobile phone has been seized from the complainant itself on

22.08.2018. Statement of the complainant under Section 161 of Cr. P.C. were recorded on 03.06.2019 but in her statements she not stated that from whom, where and what circumstances she found the said mobile phone, therefore, it has been submitted by the counsel that Prima Facie no case under Section 394 of IPC is made out against the present Applicant therefore, it is prayed that the Applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case and arguments adduced by the counsel for the parties, particularly considering that the mobile phone has been already seized from the complainant itself on 22.08.2018, 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.
8. Accordingly, the anticipatory bail application is allowed.
9. 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 him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself 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