

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 736 of 2020

Firoz Khan S/o Late Abdul Habib Khan Aged About 33 Years R/o Main Road Jagdalpur Tehsil And District Bastar Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Bastar District Bastar Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jaydeep Singh Yadav, Advocate.
For Respondent/State	: Ms. Hamida Siddiqui, Dy. A.G.
For Objector	: Mr. Raza Ali, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/08/2020

1. The matter is heard through video conferencing.
2. 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. 109/2020, registered at Police Station Kotwali, Jagdalpur, Distt. Bastar (C.G.) for the offence punishable under Section 354(ब), 509 & 506 of the IPC.
3. In this case, the prosecutrix is a married lady. On 05.03.2020, she lodged a report in concerned Police Station alleging there in that on 02.03.2020 when she had gone to Collectrate, the applicant came their and collided to her and uttering filthy words he threatened her to kill. On the basis of said report, offence has been registered against the applicant.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some previous dispute with the complainant/prosecutrix. He further submits that all the offence registered by the Police are bailable in nature though offence under Section 354(D) part-II is non-bailable but in the present case, from the contents of FIR Section 354 (D) Part-I is attracted, 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. Learned Counsel for the objector submits that according to the contents of FIR Section 354 of the IPC is also made out against the applicant which is non-bailable offence. Hence, it is prayed that the applicant may not be granted benefit of anticipatory bail.
7. I have heard learned Counsel for both the parties.
8. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, after gone through the contents of FIR and further considering the fact that the FIR has been lodged after 3 days of the incident, 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.
9. Accordingly, the anticipatory bail application is allowed.
10. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 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