

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 697 of 2020**

Khileshwar Tandon S/o Bhuwan Lal Tandon, aged about 35 years R/o Village Ghugsidih (Ghasida Nagar), Post Khopli, Police Out Post- Machandur, P.S. Utai, Tehsil and District Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through the District Magistrate, Durg District Durg (C.G.).

---- Respondent

For Applicant : Mr. Shashank Thakur, Advocate
For Respondent : Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board**13/08/2020**

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 145/2020 registered at police station – Out Post- Machandur, P.S. Utai, District Durg (C.G.) for the offence punishable under Sections 294, 506-B, 23, 452, 147 & 427 of the IPC.
3. According to the case of the prosecution, on 29/05/2020, one Ribha Mahipal made a complaint to the effect that out of old animosity due to panchayat elections, the applicant and other accused persons entered into her house and abused them in filthy language. They also assaulted her family members, due to which some family members sustained injuries. On the basis of the said report, offence has been

registered.

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 previous enmity of Panchayat elections. The applicant is a police constable and he was not present at the time of incident. Though his name has been mentioned in the FIR, there is no specific allegation that he has assaulted to any of the victim. He further submits that only offence under Section 452 is non-bailable and all the other offences are bailable, therefore, he prays to extend the benefit of anticipatory bail to the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and further considering the fact that the applicant is police constable, only offence under Section 452 of the IPC is non-bailable and in the FIR there is no specific allegations against the applicant that he has assaulted to any of the victim, without further commenting on other merit of the case, I am inclined to extend the benefit of 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 bond in the sum of Rs.10,000/- 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 make 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.

10. Certified copy, as per rules.

**Sd/-
(Arvind Singh Chandel)
Judge**