

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1968 of 2019

Omkar Patel S/o Shri Radhelal Patel Aged About 29 Years R/o Village Ghanaghat, Out Post Khudiya, Police Station Lormi, Tahsil Lormi, District Mungeli Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Incharge Out Post Khudiya, Police Station Lormi, District Mungeli Chhattisgarh.

---- Respondent

For Applicant : Ms. Seema Singh, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03/03/2020

1. The applicant has filed 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. 515/2019, registered at Police Station Lormi, Distt. Mungeli (C.G.) for the offence punishable under Sections 452, 294, 506 & 323 of the IPC.
2. As per prosecution story, on 03.11.2019 at about 10 PM, the applicant entered in the house of complainant Rambabu in drunken condition and abused the complainant and his family members as well as threatened them and assaulted complainant Rambabu, Smt. Manisha Patel and Kumari Mandakini. On the basis of report made by complainant Rambabu, offence has been registered against the applicant.
3. 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 dispute between the parties. He further submits that apart from Section 452 of the IPC, all other offence are bailable in nature. The Counsel further submits that prima facie no case under Section 452 of the IPC can be made out against the applicant because from the statement of witnesses of this case, it appears that the alleged incident was occurred inside the courtyard. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on 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. 20,000/- 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