

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2125 of 2019

- Omprakash S/o Jageshwar Aged About 33 Years Occup. Agriculture, Caste Teli, R/o Village Dolesara, Thana Tamnar, District - Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Tamnar, District - Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Respondent/State	: Mr. Susheel Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

30/01/2020

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. 188/2019, registered at Police Tamnar, Distt. Raigarh (C.G.) for the offence punishable under Section 294, 323, 452, 506 (B), 34 of the IPC.
2. In this case there are total two accused persons. As per prosecution story, on 27.09.2019 at about 10 AM, the applicant along with other co-accused persons laced with clubs went to the house of complainant Nirashri Paikra who is a Sarpanch of Village Dolesara by alleging certain allegations upon her, abused her and committed *marpeet* with her. On the basis of said background, on 29.09.2019, the complainant lodged a report in concerned police station.
3. Learned Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that virtually for irregularities of the complainant who is a Sarpach, the applicant and other co-accused persons made several complainants and for create pressure upon the applicant, a false and fabricated report has been lodged by the complainant. The

Counsel further submits that no custodial interrogation is required in the matter, the other co-accused persons has already granted benefit of bail. The Counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he 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.
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, I am inclined to 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 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