

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 1216 of 2021**

Bhagwat Prasad Mishra, S/o Late Shiv Kumar Mishra, aged about 60 years,
R/o Surya Vihar, Sarkanda, Police Station Sarkanda, Distt.- Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, through : the Police Station Seepat, District Bilaspur
(C.G.)

----Non-applicant

For Applicant	:	Mr. Rakesh Pandey, Advocate.
For Non-applicant	:	Mr. Alok Nigam, Govt. Advocate.
For Objector	:	Mr. T.K. Jha, Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****24.11.2021**

(1) The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 425/2021 registered at police station Seepat, District Bilaspur (C.G.) for the commission of offence punishable under Section 384 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on the date of incident present applicant was posted as Reader-II in the office of Nayab Tahsildar, Seepat. He threatened the complainant – Additional Tehsildar, Seepat that either she posted him as her Reader-I or give him Rs.1 lakh, otherwise he will defame her by publishing the news that due to harassment made by her, one Bharat Lal Suryavanshi, Assistant Grade -II, who was working in the same office, has died due to shock given by the complainant. On being written complaint filed by Additional Tahsildar – Smt. Tulsi Rathore, present crime under Section 384 of the IPC has been registered against the applicant.

(3) Learned counsel appearing for the applicant would submit that the applicant has never made any threat or has not done any unlawful act against the complainant and he is subordinate employee of the complainant. He would next submit that since as per FIR, no property or anything has been delivered, hence, offence under Section 384 of IPC is not made out against the applicant. He would next submit that applicant is about 60 year old person and he is ready to abide all the directions and conditions imposed by this Court, if he is granted anticipatory bail, hence, he may be extended the benefit of Section 438 of the Cr.P.C. He placed reliance upon the judgment of the Supreme Court in the matter of **Isaac Isanga Musumba and others v. State of Maharashtra and others**¹ and the order passed by this Court in the matter of **Shatrughan Singh Sahu v. State of Chhattisgarh & others**² in support of his submissions.

(4) Per contra, learned counsel for the State, well supported by counsel for the Objector, would submit that being subordinate employee, he threatened the complainant that either she posted him as her Reader-I or give him Rs.1 lakh. Thus, looking to the conduct of the applicant, he is not entitled for grant of anticipatory bail.

(5) I have heard learned counsel for the parties and perused the case diary as well as material available on record.

(6) Considering the facts & circumstances of the case, nature & gravity of the offence, and also considering the age of the applicant and totality of the facts; I am of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on anticipatory bail on his furnishing a bond in the sum of ₹ 25,000/- with one surety for the like sum to the satisfaction of the officer/Court 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) that 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

¹ (2014) 15 SCC 357

² WPCR No. 133 of 2017, decided on 07.09.2021

Court or to any police officer;

(iii) that the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that 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.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

