

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1604 of 2020**

- Ajay Vishwakarma son of Paras Vishwakarma, aged about 32 years, resident of village Umeshwarpur, Police Station Premnagar, Chowki - Umeshwarpur, District Surajpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh - Through : Incharge, Chowki-Salka (Umeshwarpur), Police Station - Premnagar, District Surajpur (C.G.)

---- Respondent

For Applicant : Mr. D.N. Prajapati, Advocate.
For Respondent. : Mr. Ishwari Gritlahre, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/03/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.73/2020 registered at Police Station - Chowki-Salka (Umeshwarpur), Police Station - Premnagar, District Surajpur (C.G.) for commission of the offence punishable under Sections 295, 298 read with section 34 of Indian Penal Code.
2. The prosecution case, in brief, is that on 18.08.2020 at about 6.00 PM, the applicant and co-accused namely Ajay Singh, with intent to outrage and insult the tribal religion (Gond) community, hatched conspiracy and plucked the flag of Godi religion and thrown it away uttering objectionable words. Based on this, offence has been registered against the applicant under Sections 295, 298 read with section 34 of

IPC.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that prior to the date of incident, the members of Gondwana Party tried to construct a Chabutara over the applicant's father land, which was objected by the applicant and his father and due to this, the false and fabricated report, under the political pressure, has been lodged against the applicant. He also submits that except Section 295 IPC, Section 298/34 IPC is bailable offence.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the nature of offence, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the concerned investigating officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the 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.

Sd/-

(Rajani Dubey)
Judge

pkd