

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1258 of 2021**

Moolchand Sahu S/o Pusau Sahu, Aged About 59 Years, R/o Village Silghat Area, P.S. and Tehsil Berla, District Bemetara Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Arakshi Kendra Berla District Bemetara Chhattisgarh.

---- Non-applicant

 For Applicant : Shri Basant Dewangan, Advocate
 For Non-applicant/State : Shri B.P. Banjare, Dy. Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****06.10.2021**

1. The applicant has preferred this first bail 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.296 of 2019, registered at Police Station Berla (C.G.), for offence punishable under Sections 186, 353, 294, 506 and 332 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 16.10.2019, when applicant went to Tahsil Office for collecting documents relating to Family Tree and Mishal record, based on the application filed by him earlier, it was informed to him that complainant has took charge on 16.10.2019 itself of Copying Section and he will supply relevant documents on his application later on. Applicant forced him to supply relevant documents on same day. Upon going through the application of copy of Family Tree and Mishal record, complainant found that information sought was not specific,

therefore, he took the application to Tahsildar for clarification. Tahsildar instructed him to supply the copy of documents mentioned in the application, which he was preparing. At that time, applicant again came and pressurized the complainant to supply documents immediately. The complainant again stated him that he is doing some another urgent work, thereafter, he will prepare requisite copy of record sought for by him, upon which, he became aggressive and started abusing, assaulted him and also torn the Government record. The incident was reported to concerned Police Station, based upon which, aforementioned crime was registered against the applicant.

3. Shri Basant Dewangan, learned counsel for the applicant would submit that applicant has submitted application for supply of copy of relevant documents i.e. Family Tree and Mishal record, which was pending in the office since long. On the date of incident, when applicant reached there and made demand of copies based on his application for supply of copy submitted much earlier, complainant asked applicant to approach one Mahilang Babu (Clerk). When he approached Mahilang Babu, he informed that Khasra number of land was not tressable. He thereafter went to the office of Tahsildar and intimated all the facts to him, upon which, Tahsildar has orally instructed the complainant to supply the relevant documents. When again, applicant went to the complainant, he asked money for ticket, which was also being paid by complainant, but he refused to accept on the ground that it is much less, thereafter, he started abusing in filthy language and

assaulted him. Applicant lodged report of the incident to concerned Police Station on same day i.e. 16.10.2019, based upon which, Crime No.295/2020 was registered against the complainant Deshmukh Babu for offence punishable under Sections 294, 323 and 506 of Indian Penal Code. He submits that only to save himself from the offences registered against him, subsequently report was lodged against the applicant bearing Crime No.296/2019 after two hours of the report of applicant. He further contended that allegation levelled against the applicant is false and baseless. Applicant has not committed any offence as alleged against him. He further pointed out that for the offences alleged against applicant punishment would be sentence of imprisonment or fine or with both. Applicant is aged about 59 years, hence, he may be enlarged on anticipatory bail.

4. Per contra, Shri B.P. Banjare, learned Dy. G.A. representing the State opposing submissions made by learned counsel for the applicant, would submit that applicant on 16.10.2019 came to the office, contacted the complainant and pressurized to supply relevant document then and there. He further submits that complainant has informed the applicant that he has been given charge of Copying Section on same day, therefore, he will supply the copy of documents later, upon which, applicant has pressurized him to supply the copy of documents sought immediately. He read over the contents of First Information Report and report lodged by complainant and submits that there are clear allegations that, it is the applicant who abused, assaulted and also

torn the Government record, hence, applicant is not entitled for the benefit under Section 438 of Cr.P.C.

5. However, upon putting the question as to which are the documents allegedly applicant has torn, he submits that one of the copying application which is available on record in torn condition.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, counter First Information Report and First Information Report of applicant which was registered making allegations of abuse, assault and also threatening to applicant, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
8. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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 from disclosing such facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh