

M.Cr.C.No.3252/2015

M.Cr.C.No.3252/2014

3.3.2015

Shri Ajit Kumar Rawat, counsel for the applicant.

Shri G.S.Thakur, Panel Lawyer for the State/ respondent.

Heard the learned counsel for the parties.

The applicant has an apprehension of his arrest relating to crime No.4/2015 registered at Police Station Teharka, District Tikamgarh for offence punishable under Sections 451, 294, 506/34 of IPC and Section 3 (1) (x) of SC/ST (Prevention of Atrocities) Act, 1989.

Learned counsel for the applicant submits that the applicant is a reputed citizen of the locality, who has no criminal past alleged against him. He is Sub-Engineer in Government of Chhatisgarh. If he is arrested, he may lose his job. Except of offence punishable under Section 3 (1) (x) of SC/ST (Prevention of Atrocities) Act, remaining offences are bailable. It is alleged by the complainant that the applicant went to his house and threatened him, so that a compromise may take place between the daughter of the complainant and the accused persons of rape. However, a false case has been lodged by the complainant to create pressure on the accused of rape, so that the complainant may get a

heavy compensation from their side. The applicant has filed copy of certificates *Annexure A/3* and *Annexure A/4* to show that on the given date, he was present at his working station Akartala, District Chapa (C.G.). It was not possible for him to visit Tikamgarh, which was a distant place from Akartala. A false complaint has been lodged against the applicant. Hence, no alleged offence is made out against the applicant. Prohibition under Section 18 of the Special Act is not applicable in the present case. The police is unnecessarily harassing the applicant. Under such circumstances, the applicant prays for bail of anticipatory nature.

Learned Panel Lawyer for the State opposes the application.

After considering the submissions made by the learned counsel for the parties and looking to the facts and circumstances of the case, without expressing any view on the merits of the case, I am of the view that the applicant may be enlarged on anticipatory bail. Consequently application under Section 438, Cr.P.C. filed by the applicant is hereby allowed.

It is directed that in the event of arrest, present applicant **Dwarika Prasad** shall be released on bail on furnishing a personal bond in the sum of

**Rs.25,000/- (Rupees twenty five thousand)** with a solvent surety in the like amount to the satisfaction of the Arresting Authority (Investigation officer).

The applicant shall make himself available for interrogation by a police officer as and when required. He shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

This order shall remain in force for a period of 60 days and in the meanwhile, if the applicants so desire, may move an application for regular bail before the competent Court.

Bail under Section 438 of the Cr.P.C. is given for a limited period, so that the evidence received against the applicant during further investigation may be considered by the concerned Court, who shall consider his application under Section 437 or 439 of the Cr.P.C.

Certified copy as per rules.

**(N.K.GUPTA)**  
**JUDGE**

*Pushpendra*