

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1340 of 2019

- Kamta Prasad Jangade S/o Late Jagat Ram Jangade Aged About 53 Years R/o Village Silli Shakti, Ghat, Tahsil Dhamdha, Police Station Dhamdha, District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Dhamdha, District Durg Chhattisgarh.

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Advocate.
For Respondent/State	: Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/10/2019

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. 128/2019, registered at Police Station Dhamdha, Distt. Durg, Chhattisgarh for the offence punishable under Section 295 of the IPC.
2. As per prosecution story, complainant Madan Patel filed the written complaint at police station alleging therein that there is a temple of Sakti Mata, Lord Ram, Lord Ganesh, Lord Shiv and Nandi and just beside the temple, 20 decimal land belongs to the applicant. Allegedly on 25.07.2019 in the night between 11:30 to 11:55 PM, the applicant had broken the left hand of the statue of lord Ram and through the idol of Shiv Ling in the Shivrath River. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated by the priest of the temple in the present case due to some civil dispute between them. He further submits that there is no any eye-witness in this case. No case can be made out against the applicant. He lastly submits that the applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State and objector opposes the bail application.
5. I have heard learned Counsel for 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, in my considered opinion, it is a fit case for 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. 25,000/- 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