

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 756 of 2015**

- Prashant Sahu S/o Padamlochan Sahu Aged About 38 Years Permanent R/o Village - Dhobanipali And Presently Residing At Village - Devarghata, Police Station - Dabhra, District Janjgir-Champa (Chhattisgarh).

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Dabhra, Civil And Revenue District - Janjgir-Champa (Chhattisgarh).

---- Respondent

For Applicant	:	Mr. Malay Shrivastava, Advocate.
For Respondent/State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja**Order on Board****04/09/2015**

1. The applicant has preferred the instant bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 329 of 2014, registered in Police Station Dabhra, District Janjgir-Champa (CG), for offence punishable under Sections 395, 436, 435, 147, 148, 149, 427 and 412 of the IPC.
2. The case of the prosecution, in brief, is that upon death of an employee in the industrial unit namely R.K.M. Power Private Limited, the villagers being enraged by such death, entered factory premises, destroyed the factory property, assaulted the officials and employees and also looted valuable property. According to the prosecution, present applicant has damaged the property of company and thereby committed the aforesaid offences.
3. Mr. Malay Shrivastava, learned counsel appearing for the applicant would submit that the allegations of loot and dacoity by the applicant are exaggerated. He would also submit that the villagers were agitated due to death of a village employee in the factory during the course of employment and in that connection, crowd entered the premises. It is submitted that the applicant has been falsely implicated in the incident and all recoveries were made only from the spot, but it has been falsely stated to have been recovered from the applicant. It is also submitted that other co-accused, who have been arrested, were already granted bail by the co-ordinate

Bench of this Court. Therefore, present applicant may be extended the benefit of anticipatory bail.

4. On the other hand, Mr. Surya Kant Mishra, learned counsel for the State opposing the prayer for grant of bail would submit that looking to the overt-act of the applicant involved himself in destroying property of the factory and looting various items, the applicant is not entitled for anticipatory bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the submission of learned counsel for the parties, the background, in which, the incident is alleged to have been happened, it being a case of crowd entering the premises due to death of an employee and that the investigation is complete, charge sheet is filed and further that the applicant is not stated to be a habitual offender and similarly situated co-accused have already been granted bail, I am of the considered opinion that *prima facie* it is a fit case where the applicant can be extended the benefit of anticipatory bail.
7. Accordingly, the application for grant of anticipatory bail is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- with one surety of 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 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 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 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/-
(I.S. UBOWEJA)
JUDGE