

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1057 of 2015

Mukesh Soni S/o Ram Awtar Aged About 37 Years Occupation -
Business, R/o Barej Para, Jakir Husain Ward, Near Barej Talab
Ambikapur, Police Station & Tahsil - Ambikapur District Surguja
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station - Ambikapur, District
(Revenue & Civil) Surguja Chhattisgarh

---- Respondent

For applicant – Shri S.D. Singh, Advocate.
For Respondent/State – Shri S.R.J. Jaiswal, PL

Hon'ble Shri Justice Goutam Bhaduri

Order

3/11/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.117/2015, registered at Police Station Ambikapur, District (Revenue & Civil) Surguja (C.G.) for offence punishable under Section 147, 148, 149, 186, 332, 353 of IPC & 25, 27 of Arms Act.
2. According to the case of prosecution, on 8/03/2015 while police official of police station Ambikapur investigating crime under merg No.27/2015 called some of the witnesses, at that time relatives along with the mob entered into the police station laid by one Atul Singh created scene and pelted stone at the police personal and thereby 6-7 police personnel were injured.
3. Learned counsel for the applicant submits that in the FIR Mukesh

Soni has been named but in the absconding list two Mukesh Soni has been shown one Mukesh Soni, S/o Ram Awtar Soni and another Mukesh Soni, S/o Jawahar Soni. He submits that he has been falsely implicated in this case and apart from that other co-accused have been enlarged on regular bail, therefore this applicant may be extended benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Considering the allegations against this applicant and it is also to be ascertained as to whether he was some Mukesh Soni, S/o Ram Awtar Soni or Mukesh Soni, S/o Jawahar Soni was involved. At this stage taking into ambiguity, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory 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 bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the 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 so 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) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE