

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 670 of 2015

Babulal Soni S/o Late Radheshyam Soni Aged About 56 years Occupation- Business,
R/o Mohalla Barejpara, Near Barej Talab, Ambikapur, Police Station & Tahsil-
Ambikapur, District- Surguja, Civil And Revenue District- Surguja, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through: Police Station- S.H.O. Ambikapur, District-
Surguja, Chhattisgarh

---- Respondent

For Petitioners	:	Shri A.K. Prasad, Advocate
For Respondent/State	:	Ms. Shubha Shrivastava, Panel Lawyer

Order On Board

04/08/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.57/2015 , registered in Police Station- Ambikapur, District- Sarguja, for alleged commission of offence under Section 147, 148, 149, 341 & 427 of the IPC and Section 3 (A-5) of the Lok Sampatti Ko Nuksan Ka Niwaran Adhiniyam, 1984.

Case of the prosecution, in brief, is that the agitated mob attacked on a Govt. vehicle and damaged it. The genesis of agitation was that applicant's daughter had run away with a boy which led to agitation on the allegation that the police authority were not taking proper steps to recover the girl.

Learned counsel for the applicant submits that only because the dispute had a genesis in agitation due to inaction of police in recovering applicant's daughter, alleged to be kidnapped, applicant has been involved. He has not been named by anyone as the person destroying the vehicle

On the other hand, learned counsel for the State submits that the overall circumstances of the case and that the applicant and number of persons had gathered in the office of SDO and nearby that place, Govt. vehicle was destroyed, prima facie involves the applicant.

Taking into consideration the submission made by learned counsel for the parties, particularly taking into consideration that there is no specific overt act alleged by the applicant, resulting in destruction of Govt. vehicle, I am inclined to allow the application.

The application is accordingly allowed. 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 arresting

officer on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make himself available for interrogation by the police officer as and when required;
- (ii) 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 from disclosing such facts to the Court or to any police officer;

Sd/-

(Manindra Mohan Shrivastava)

Judge

Praveen