HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 319 /2016

Pradeep Shukla, S/o. Shri Suresh Kumar Shukla, Aged About 50 Years, Occupation Business, R/o. Agrasen Ward, Ambikapur, P.S. & Tahsil Ambikapur, Civil & Revenue District Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Ambikapur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shakti Raj Sinha, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/04/2016

1. Apprehending arrest in connection with Crime No.57 of 2015 registered at Police Station- Kotwali, Ambikapur, District Surguja (C.G.) for the offence punishable under Section 147, 148, 149, 341 & 427 of Indian Penal Code and Section 3 (A-5) of the Prevention of Damage to Public Property Act, 1984, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

2. 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 the daughter of the other co-accused 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.

3. Learned counsel for the applicant submits that only because the dispute had a genesis in agitation due to inaction of police in recovering the daughter of the other co-accused who was

kidnapped and when the mob had went to the office of the Collector, one window screen of the vehicle was broken and it was not clear that who has done the mischief. He further submits that the similarly placed co-accused namely Babulal has been granted anticipatory bail in M.Cr.C.(A) No.670 of 2015, therefore, the present applicant may also be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail. He would submit that the applicant and number of persons had gathered in the office of the Collector and nearby that place a government vehicle was destroyed therefore prima facie the applicant involves.

5. Taking into consideration the submissions made and taking into fact that the similarly placed co-accused Babulal against whom similar allegations have been attributed has been granted anticipatory bail by the co-ordinate Bench of this Court and further considering the fact that there is no specific overt act alleged against the applicant, I am inclined to enlarge the applicant on anticipatory bail.

6. Accordingly, the anticipatory bail application is 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 officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one 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) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok