

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 1053 of 2017**

Abhishek Kaushik S/o Makhan Lal Kaushik, aged about 31 years, R/o
Nawagaon, Katghora, Police Station / Tahsil Katghora, Distt, Korba,
Chhattisgarh **---- Applicant**

Versus

State of Chhattisgarh through District Magistrate Police Station
Katghora, District Korba, Chhattisgarh. **---- Respondent**

For Applicant : Shri Samir Singh, Advocate
For Respondent/State : Smt. M. Ashal, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14/12/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 349/2017 registered at Police Station Katghora, District Korba (CG) for the offence punishable under Sections 294, 186, 332 & 353 of IPC.

2. As per the prosecution case, on account of death of one Jaikishan in an road accident on 03.11.2017, there was a gathering at the hospital. The allegation against the present applicant is that he had intervened and obstructed the police authorities from discharging their official duties. In the course, an altercation took place and the applicant is said to have pulled the uniform of one of the police officers.

3. Counsel for the applicant submits that it is a case where the mob had gathered seeking for compensation on account of death of Jaikishan who was the relative of the present applicant. He submits that it is a case where the entire mob was agitated and the present applicant has been falsely implicated in the present case. He prayed that in the given

circumstances, the applicant is entitled for grant of anticipatory bail.

4. State counsel, however, opposing the bail application submits that the nature of allegation is serious and the applicant is said to have assaulted one of the police officers and therefore, he is not entitled for grant of anticipatory bail.

5. Considering the total facts and circumstances of the case, particularly the nature of offence, the background of incident which occurred on account of a road accident and the death of the relative of the applicant coupled with the fact that the applicant was surrounded with a large mob, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out.

6. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Officer arresting him or the Court concerned, as the case may be, with the following terms and conditions:

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

Sd/-
(P. Sam Koshy)
Judge