

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 101 of 2017**

Ram Pravesh Singh S/o Devisingh, aged about 20 years, Caste Gond,
R/o Village Banjaridand, Post Office, Police Station & Tahsil
Manendragarh, District Koriya, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police Station
Khadgawan, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate
For Respondent/State	:	Shri Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19/05/2017**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 32/2016 registered at P.S. Khadgawan, District Koriya (CG) for the offence punishable under Section 420/34 of IPC.

2. The case of the prosecution against the present applicant is that he along with other accused persons is said to have, without any prior sanction, authority or permission from the competent Authorities, held a camp for administering vaccination of Hepatitis-B to the villagers. It is further alleged that as per the government scheme, vaccination has to be provided free of cost whereas the applicant and the other accused persons are said to have charged Rs.50/- per villager for the said vaccination.

3. Counsel for the applicant submits that there are total 10 accused persons in the case of which 7 persons have already been granted either regular or anticipatory bail by this Hon'ble Court. According to the counsel for the applicant, the case of the applicant is squarely covered by the decision of this Court rendered in the case of co-accused persons and the charge is also

similar that has been levelled against the present applicant. Counsel for the applicant further submits that the prosecution has also failed to establish as to what actual role the applicant has played. He submits that it is not the case where the applicant was an employee of NGO which had held the camp at that place neither was he in any manner engaged by NGO for the said camp. Hence, the applicant may be granted the benefit of anticipatory bail.

4. State Counsel, however, opposes the anticipatory bail application on the ground that the present applicant was also one of the persons who was canvassed for the camp become successful in connivance with other accused persons and therefore he is not entitled for anticipatory bail.

5. Taking into consideration the total facts and circumstances of the case, particularly the fact that seven other co-accused persons have already been granted either regular bail or anticipatory bail, this Court is of the opinion that the present applicant also deserves to get the similar treatment.

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

Bhola