

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 221 of 2017**

Vibhash Singh S/o G. S. Thakur Singh, aged about 33 years,
Occupation Student & Social Worker, R/o Vikas Nagar, Kotra Road,
Raigarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station
Jutmil Chowki, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer

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. 372/2016 registered at Police Station Jutmil Chowki, P.S. Kotwali, District Raigarh (CG) for the offence punishable under Sections 147, 148, 384, 427, 353, 332, 186, 452 read with Section 149 of IPC.

2. Present is a case where the FIR has been lodged against 9 persons who have been named. In addition, there were around 200-250 persons in the agitation. The allegation against the present applicant is that he is said to have lead a mob/agitation for the purpose of closing down a liquor shop which was proposed to be opened. In the process of protest, some lathi charge and untoward incident took place and during the course of which, six persons were injured based upon which the FIR was lodged.

3. Counsel for the applicant submits that the present applicant has been falsely implicated on account of the fact that he belongs to a particular political party. He submits that the applicant being an active social worker was ensuring that no liquor shop be opened in a particular Gram Panchayat. He

submits that the applicant is a young boy and also being a social worker takes active participation in all the social works. He further submits that this is the first case which has been registered against the applicant and there is no past antecedent against him, therefore, he may be granted the benefit of anticipatory bail.

4. State counsel, however, opposes the bail application on the ground that the applicant has been named by all the witnesses whose statements have been recorded disclosing the fact that the applicant had taken an active participation in the agitation.

5. Taking into consideration the total facts and circumstances of the case, particularly the admitted fact that there were about 200-250 persons in the agitation of which the applicant also happens to be a member, 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

Bhola