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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 710 of 2017**

- Vinod Agrawal S/o Late Shri Radhe Mohan Agrawal, Aged About 51 Years, R/o Main Road, Keshkal, District Kondagaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Keshkal, District Kondagaon, Chhattisgarh.

---- Non-applicant

And**MCRCA No. 711 of 2017**

- Thakur Ram Chowdhary S/o Late Shri Ram Charan Chowdhary, Aged About 41 Years, R/o Main Road, Keshkal, District Kondagaon, Chhattisgarh
- Partish Sai Agrawal S/o Shri Vinod Agrawal, Aged About 26 Years, R/o Main Road, Keshkal, District Kondagaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P.S. Keshkal, District Kondagaon, Chhattisgarh

---- Non-applicant

And**MCRCA No. 712 of 2017**

- Vinod Agrawal S/o Late Shri Radhe Mohan Agrawal, Aged About 51 Years, R/o Main Raod, Keshkal, District Kondagaon Chhattisgarh.
- Pratish Sai Agrawal, S/o Shri Vinod Agrawal, Aged About 26 Years, R/o Main Raod, Keshkal, District Kondagaon Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through P. S. Keshkal, District Kondagaon Chhattisgarh

---- Non-applicant

For Applicants: - Shri Maneesh Sharma and Shri Pragalbha Sharma,
Advocates.

For Non-applicant/State : Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/11/2017

1. MCRCA No.710/2017 filed by applicant Vinod Agrawal apprehending his arrest in connection with Crime No.30/2015 for offence under Section 147, 148, 435, 379 read with Section 149 of the IPC, MCRCA No.711/2017 filed by applicants Thakur Ram Chowdhary and Partish Sai Agrawal apprehending their arrest in connection with Crime No.26/2015 for the offence under Section 147, 341, 427 of the IPC and Section 3 of Prevention of Damage to Public Property Act (Lok Sampati Kshati Nivaran Adhiniyam), and MCRCA No.712/2017 filed by applicants Vinod Agrawal and Pratish Sai Agrawal apprehending their arrest in connection with Crime No.29/2015 for the offence under Section 147, 148, 436, 379 read with Section 149 of the IPC, registered at P.S. Keshkal, District Kondagaon, are being decided by this common order.

2. It is submitted on behalf of applicants Vinod Agrawal and Pratish Sai Agrawal in MCRCA No.712/2017 and applicant Vinod Agrawal in MCRCA No.710/2017 that in all the offence as aforementioned registered against these applicants only offence under Section 379 of the IPC is non-bailable and rest of the offences registered against both these applicants are bailable. As alleged in the FIR these applicants were not involved in the incidents took place on 17-02-2015. Hence, it is prayed that they may be benefited with anticipatory bail.

3. On behalf of applicants Thakur Ram Chowdhary and Partish Sai Agrawal in MCRCA No.711/2017 it is submitted that they are apprehending their arrest in connection with Crime No.26/2015 registered at P.S. Keshkal, Distt. Kondagaon (C.G.) for the offence under Section 147, 341, 427 of the IPC and Section 3 of Prevention of Damage to Public Property Act, which are bailable, but the application for anticipatory bail has been rejected by the Sessions Judge Kondagaon. Hence, they may be granted anticipatory bail.

4. Learned counsel for the non-applicant/State opposes the applications and submits that the applicants were leading the mob which has looted the shop of the complainants, caused damage to the property and has also caused mischief by fire. Hence, the applicants are not entitled for grant of anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case diary.

6. Facts of the case are that the applicants and 40 to 50 other persons armed with clubs and weapons broke open the shop of the complainants and looted electronic equipment and cash from the shop and thereafter caused damage to furniture and other things kept there and set ablaze some property. The offence has been registered and investigation is pending.

7. Considering on the facts that though the applicants are named in the FIR, but no property of said loot has been recovered from any of the applicants and that the incident has taken place on 17-02-2015 and still after passing more than 2½ years the investigation has not yet been completed, this Court is of the view that the applicants in all the three cases deserve to be benefited with grant of anticipatory bail.

8. Consequently, all the applications (MCRCA No.710/2017, MCRCA No.711/2017, and MCRCA No.712/2017) filed under Section 438 of the Cr.P.C. by the applicants are hereby allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil