

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 60 of 2018

- Agraj Yadav, aged about 22 years, S/o Shri Nankuram Yadav, R/o Kota, Raipur, Police Station Saraswati Nagar, Raipur, Tahsil & District Raipur (Chhattisgarh).

---- Applicant

Versus

- State of Chhattisgarh: Through- Station House Officer, Police Station- Mujgahan, District- Raipur (Chhattisgarh).

---- Non-applicant

For Applicant :Mr. Vimlesh Bajpai, Advocate.
For the State :Mr. Vinod Tekam, P. L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

05/04/2018

1. Heard.
2. The applicant has preferred this anticipatory bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with crime No.70/2017 registered at Police Station Mujgahan, District- Raipur (Chhattisgarh) for the offences punishable under Sections 452, 427, 506 & 147 of the Indian Penal Code and Section 3 of the Prevention of Damages to Public Property Act (Lok Sampatti Kshati Nivaran Adhiniyam).
3. Learned counsel for applicant submits, that applicant has been falsely implicated in this case, the name of the present applicant has not appeared in the FIR, but has been added subsequently in the statement under Section 161 of Cr.P.C. with deliberate and wrongful intention to implicate him. The similarly situated co-accused persons namely Honey

@ Parmeet Singh Bagga & Bhupesh Kumar Tripathi and Harshit Agrawal have already been granted anticipatory bail by this court vide order dated 16.11.2017 passed in M.Cr.C. (A) No.666 of 2017,M.Cr.C. (A) No. 781/2017 and M.Cr.C. (A) No.869/2017, respectively, and therefore, this applicant may also be granted anticipatory bail on the ground of parity.

4. On the other hand, learned State counsel opposes the bail application.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on the date of incident main accused Honey Bagga along with his associates entered into the campus of Kushabhau Thakre Patrakarita Avam Jansanchar Vishwavidyalaya, Raipur and committed mischief by causing damage to the furniture and other articles present inside of the premises in the University. When the security Guard Shatruhan Lal Sahu tried to intervene, he was threatened with the dire consequences.
7. Considered on the material present in the case. The co-accused persons have been granted anticipatory bail by this Court, the case of this applicant cannot be treated differently. Hence for this reason, I am of the view that the applicant should be benefited for grant of anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed and 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 them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. The applicants 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Amita