

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A). No. 325 of 2018

1. Mohd. Arshad S/o A Kadar Khairani Aged About 39 Years R/o Civil Lines, Mahasamund, Tehsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
2. Mukesh Jain S/o Gautamchand Lunia Aged About 38 Years R/o Bajarward Mahasamund, Tehsil And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Mahasamund, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

---- Respondent

Applicants : Mr. Prasoon Agrawal, Advocate.
For the State : Mr. Anant Bajpai, P. L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11.04.2018

1. Heard.
2. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with crime No.638/2017, registered at Police Station – Mahasamund, District- Mahasamund (Chhattisgarh) for the offences punishable under Sections 294, 506, 353, 186, 34 (1) read with Section 34 of the Indian Penal Code.

3. It is submitted by learned counsel for the applicants that apart from the offence under Section 353 of IPC rest of the offences registered against the applicants are bailable in nature. Further, according to the investigation made so far, no offence is made out against the applicants under Section 353 of IPC. The factual incident is that the complainant - (Vaibhav Shukla, Traffic Sub-inspector) was demanding illegal gratification from the trucks that were transporting stones because of which the dispute has taken place. The applicants have also filed complaint on the same day against the present complainant due to which the FIR has been lodged against them, hence, it is prayed that applicants be enlarged on anticipatory bail.
4. Learned counsel for the State opposes the bail application and submits that according to the written complaint and FIR there is a clear allegation against the applicants about being engaged in commission of offences as registered against them, hence, no case is made out for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, the complainant- (Vaibhav Shukla) alongwith his team were inspecting the trucks for overload, at that time, both the applicants approached him along-with other persons and surrounded him. The present applicants and other abused the complainant with abusive words and threatened to kill him. At the same time the official receipt books and other important papers and articles were snatched from the possession of the complainant and taken away by the applicants and their companions which were returned later on. It is alleged that the applicants and others deterred the complainant in performing official duties. Hence, this case.
7. According to the material present in the case diary, the ingredients for commission of offence 353 of IPC is yet to be collected, as there is no statement of assault and causing injuries to the complainant or any other persons present

while performing duties at that time of incident. Hence, it appears that there is no requirement for custodial interrogation of any of these applicants, I am of the considered view that the applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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 executing a personal bond in sum of Rs.25,000/- each 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 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 him by the said Court till disposal of the trial.

Sd /-

(Rajendra Chandra Singh Samant)

Judge