

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 465 of 2018**

Anu @ Anil Agrawal, S/o. Late Shri Murlidhar Agrawal, Aged About 52 Years, R/o. Ward No. 12 Dongargarh, Tahsil and Thana- Dongargarh, Distt. Rajnandgaon, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Police Station : Dongargarh, Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

AND**M.CR.C.(A). No. 480 of 2018**

1. Navin Agrawal, S/o. Late Shri Amrit Agrawal, Aged About 28 Years, R/o. Ward No. 12, Dongargarh, Thana And Tahsil Dongargarh Distt. Rajnandgaon Chhattisgarh.
2. Poonam Agrawal, S/o. Late Ramprasad Agrawal, Aged About 48 Years, R/o. Ward No. 17, Dongargarh, Thana And Tahsil Dongargarh Distt. Rajnandgaon Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through The Police Station Dongargarh, Distt. Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**27/04/2018**

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. Apprehending arrest in connection with Crime No.405/2015, registered at Police Station – Dongargarh, District – Rajnandgaon

for offence punishable under Section 147, 186, 353, 427, 294, 506 of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. It is submitted that these applicants were not present on the spot, when the offence is alleged to have been committed and in-fact there had been some just hot talks because the complainant Rajendra Patre had in capacity of CMO had ordered for demolition of building of Sushant Bhaumik. It is further submitted that a totally false FIR has been lodged against the applicants. Hence, it is prayed that the applicants may be extended the benefit of Section 438 of Cr.P.C.
4. Per contra learned State counsel opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted that no case is made out for grant of bail as the allegation against the applicants are that they have challenged the authority of public officer. 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 and the documents.
6. According to the prosecution case, while complainant Rajendra Patre, CMO Municipal Council, Dongergarh was present in the office and performing his duties, the applicants and 15 others have arrived in the office using abusive and obscene words and also caused damage to the property lying inside the office. They manhandled with the complainant and also deterred him from discharging his official duty. Hence, the FIR was lodged.

7. Considered the submissions made and the contents of the case diary. As it is clear from the perusal of the FIR in the case diary that all these applicants have been specifically named in the FIR from the very initial stage, hence, for this reason no case is made out for grant of bail.
8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are rejected. However, the concerned trial Court is directed to consider on the regular bail application of the applicant, if the, applicants surrender and apply for regular before the concerned Court below and decide the same as far as practicable on the same day.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram