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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 411 of 2018**

1. Sunil Nagdoune, S/o. Late Shri Kanta Prasad Nagdoune, Aged About 50 Years, R/o. Kalkapara, Ward No. 9, Dongargarh, Thana and Tahsil Dongargarh, Distt. Rajnandgaon Chhattisgarh.
2. Tarun Tembhurkar, S/o. Balkrishna Tembhurkar, Aged About 30 Years, R/o Sanjay Nagar, Ward No. 11, Dongargarh, Thana and Tahsil Dongargarh, Distt. Rajnandgaon Chhattisgarh.

----Applicants**Versus**

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

---- Respondent**AND****M.CR.C.(A). No. 479 of 2018**

1. Sushant Bhoumik, S/o. Gopinath Bhoumik, Aged About 50 Years, R/o. Ward No. 11, Chirpani, Dongargarh, Distt. Rajnandgaon Chhattisgarh.
2. Harish Bhandari, S/o. Birdhichand Bhandari, Aged About 39 Years, R/o. Bhandari Chal, Ward No. 12, Dongargarh, Distt. Rajnandgaon Chhattisgarh.
3. Chinu, S/o. Trilokchand Pathak, Aged About 31 Years, R/o. Thana Chowk, Ward No. 20, Dongargarh, Distt. Rajnandgaon Chhattisgarh.
4. Kamal Sharma, S/o. Hari Prasad Sharma, Aged About 23 Years, R/o Behind Majzid, Ward No. 18, Dongargarh, Distt. Rajnandgaon Chhattisgarh.
5. Umang Agrawal, S/o. Shri Ramesh Agrawal, Aged About 25 Years, R/o. Ward No. 17, 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 name of these applicants does not appear in the FIR lodged by the complainant. Later on their names have been added in the statement under Section 161 of Cr.P.C., which shows concoction. It is further submitted that similarly placed co-accused Manoj Agrawal has been granted anticipatory bail by this Court. 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, accused persons namely Navin Agrawal, Poonam Agrawal, Anu 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 deter him from discharging his official duty. Hence, the FIR was lodged.
7. Considered the submissions made and the contents of the case diary. Similarly placed co-accused person – Manoj Agrawal has been enlarged on anticipatory bail on the ground that his name is not reflected in the FIR. Hence, on the ground of parity, this Court is of the opinion that it is a fit case, where the applicants should also be extend the benefit of Section 438 of Cr.P.C.
8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. 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/- with one surety each 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram