

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 203 of 2017

- Manoj Agrawal S/o Late Laxminaryan Agrawal, Aged About 48 Years
R/o Village Khandupara, Ward No. 12, Thana And Tahsil Dongargarh,
District Rajnandgaon Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Dongargarh, District
Rajnandgaon Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Respondent	:	Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/03/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.405/2015 registered at Police Station- Dongargarh District – Rajnandgaon (C.G.), for the offence punishable under Sections 147, 186, 353, 427, 294 & 506 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that the name of this applicant does not reflect in the FIR lodged in this case. His name appears for the first time in the statement recorded of witnesses recorded under Section 161 of Cr.P.C. which shows that he has been falsely implicated in this case. Hence, it is prayed that he may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the allegations against this applicant are of grievous nature as it is an offence challenging the authority of public office, hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. It is alleged that on the date of incident while complainant Rajendra Patre, CMO, Municipal Council, Dongergarh was performing his duty, accused persons namely Navin Agrawal, Poonam Agrawal, Anu and 15 others have formed an unlawful assembly, entered his office and used abusive words, threatened him 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. After lodging of FIR, the case was registered and statement of witnesses were recorded in which the name of this applicant was reflected.
6. Considering on the nature of the allegations levelled, the fact that the name of this applicant did not figure at the very initial stage and further considering that no specific role has been attributed to this applicant, I am of this view that applicant should be benefited with grant of anticipatory bail.
7. 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 him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant 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