

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. (A) No. 1174 of 2018**

1. Vinay Kumar Pandey S/o Shri Ram Kumar Pandey, Aged About 34 Years, Occupation - Agriculturist, R/o Village Tandapara, Tahsil - Kharsia, District - Raigarh, Chhattisgarh
2. Tarun Singh Thakur S/o Shri Shobhnath Singh Aged About 32 Years Occupation - Business, R/o Behind Bank, Kharsia, Tahsil - Kharsia, District - Raigarh, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Jutmil, Raigarh, District - Raigarh, Chhattisgarh

---- Respondent

For Applicants	:	Shri D. Kushwaha, Advocate
For State	:	Shri Ratan Pusty, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****17/09/2018**

The present application under Section 438 of Cr.P.C. has been filed seeking for grant of anticipatory bail to the applicants apprehending their arrest in connection with Crime No. 372/2016 registered at Police Station Jutmil, District Raigarh (CG) for the offence punishable under Sections 147, 148, 149, 186, 294, 384, 353, 506, 452 & 332 of IPC.

2. Counsel for the applicants submits that the present applicants along with other accused persons and a large number of villagers were agitating demanding closure of a liquor shop which was proposed to be opened in that area. He submits that a false case has been registered against the applicants and other accused persons and there was in fact

a group of more than 200-250 persons gathered in that locality. Therefore it is very difficult to ascertain any overtact committed by the applicants and that there is no specific allegation or overtact on the part of the applicants except for the allegation that they were leading the agitation. He further submits that identically placed person has already been granted anticipatory bail by this court on 19.05.2017 in MCRCA No. 221 of 2017 and therefore the present applicants be also granted the same relief on the ground of parity.

3. State counsel, however, opposes the bail application on the ground that the present applicants were the persons who were leading the agitation on the date of incident and they have also played active participation in the agitation that took place on the said date.

4. Having considered the entire facts and circumstances of the case, particularly going through the allegations levelled against one Vibhash Singh who has already been granted anticipatory bail, this Court is of the opinion that prima facie, a strong case for grant of anticipatory bail has been made out on the ground of parity as the allegations against the present applicants are also same and similar.

5. In the result, the application u/s 438 Cr.P.C. is allowed. It is directed that in the event of arrest of the present applicants in connection with the aforesaid offence, they will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the Officer arresting them or the Court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation before the concerned 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.

**Sd/-
(P. Sam Koshy)
Judge**