

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1257 of 2018**

Harish Chandra, S/o. Shankar Bhawan Singh, Caste- Tanwar, aged about 53 years, R/o. Konkona, Police Station – Bango, District – Korba (C.G.)

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Bango, District - Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.R. Tiwari, Advocate

For Respondent/State : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/10/2018**

1. Apprehending arrest in connection with Crime No.121/2018, registered at Police Station – Bango, District – Korba (C.G.) for offence punishable under Section 147, 294, 341, 186, 120-B, 353, 149 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary. The fact is this that the applicant had been there along with the villagers and all of them were staging protest against the conduct and behavior of Station House Officer of Police Station because of which some exchange took place. It is submitted that no scuffle has taken place in the incident even then false FIR has been lodged against the applicant and others only to create pressure on

the applicant and other persons, who were staging protest. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that this applicant has criminal antecedent of having been prosecuted for similar nature of offence earlier. Hence, the applicant is not entitled to be released on bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The case against the applicant and other co-accused persons is this that on the date of incident, the applicant was leading a mob, which came to the police station raising slogan using abusive words and then they obstructed the main entrance of police station and thus deterred the police official in performance of their public duty. Some scuffle also took place. It is also alleged that some of the accused persons engaged in assault with the police officers. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and the nature of allegation against this applicant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 executing a personal bond in 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram