

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1323 of 2018**

Hirendra Soni S/o Shankarlal Soni Aged About 34 Years R/o Ward No. 14
Tumgaon Road Mahasamund Tahdil And District Mahasamund
Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station
Mahasamund, District Mahasamund Chhattisgarh., District : Mahasamund,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shukla, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.11.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No.638 of 2017 registered at police station Mahasamund, District Mahasamund, Chhattisgarh for the offence punishable under Sections 294, 506, 353, 186 and 341/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. According to the evidence collected in the

investigation, no case is made out against the applicant. Similarly placed co-accused persons have been granted anticipatory bail by this Court in M.Cr.C.(A) No.325 of 2018, vide order dated 11.04.2018. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. It is alleged that on the date of incident when complainant – Vaibhav Shukla, Sub-Inspector, Transport was inspecting the trucks, this applicant and the other co-accused persons surrounded him and then abused and threatened him. It is alleged that some official receipt books and other papers were snatched from him which were returned to him later on and thus, deterred him from performance of official duty.

7. Considering the material present in the case-diary and taking into consideration the fact that similarly placed co-accused persons have been granted anticipatory bail by this Court, I feel inclined to grant anticipatory bail to the applicant.

8. 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 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 them 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