

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1429 of 2018**

Viplav Gupta, S/o Shri Sandeep Gupta, aged about 26 years, R/o. Pendra, Tahsil Pendra, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer Police Station Pendra, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Y.C. Sharma, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****22.11.2018**

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.319 of 2017 registered at police station Pendra, District Bilaspur, Chhattisgarh for the offence punishable under Sections 147, 294, 353, 332 and 506 of the Indian Penal Code.
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution.

According to FIR lodged, the statement given by the complainant/ injured is general in nature, without making any specific mention about the applicant as the assailant in the incident. Similarly placed co-accused persons have been granted bail by this Court. 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. It is submitted that the name of this applicant finds mention in the FIR lodged by the complainant. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. According to the FIR lodged in this case, on the date of incident, the police party of police personnel Pendra raided on the spot of the incident, where a number of persons were gambling, some gamblers were arrested and brought to the police station and thereafter, a mob followed them which manhandled, abused, assaulted and injured the police personnel. Hence, this case.

7. Considered the entire material present in the case-diary. Similarly placed co-accused persons have been granted 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