

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1614 of 2018**

Sandeep Agrawal S/o Satyanarayan Agrawal Aged About 42 Years R/o Siya Footwear Main Road Saraipali District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Saraipali District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjay Agrawal, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.12.2018**

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. 428 of 2018, registered at Police Station – Saraipali, District – Mahasamund, Chhattisgarh for the offences punishable under Sections 186, 294 and 384 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, 1984.

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. In

fact, the applicant had visited the office of Mandi Samiti, Saraipali and he had found some irregularity and the Mandi Samiti did not want it to be reported in any newspaper, hence, totally a false FIR has been lodged against the applicant. Neither any offence under Section 384 of the IPC is made out against the applicant nor he damaged anything in the said office. Hence, it is prayed that this applicant may also 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 according to the evidence present in the case-diary, 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. FIR has been lodged alleging that on the date of incident, this applicant entered into the office of Mandi Samiti, Saraipali demanding some money and he made some video recording. It is further alleged that the applicant has stated that if the money is not given, he will make that video viral and also damaged some computers and printers on the spot. Hence, this case.

7. Considered the entire material present in the case-diary. As no money was given on the basis of the demand made in that case, the offence which is alleged to have been committed may be under Section 385 of the IPC which is a bailable offence because of which, this applicant having apprehension. Hence, for these reasons, 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