

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 274 of 2019

- Saurabh Shukla, S/o Shri Chandra Dev Shukla, aged about 35 Years
R/o L.I.G.-15 (Wrongly Mentioned as C.I.G.), Sector-2, Shankar Nagar,
Raipur, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-
Dharsiva, District-Raipur, Chhattisgarh.

---- Respondent

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MCRCA No. 245 of 2019

- Harish Karamchandani, S/o Permanand Karamchandani, aged about
31 Years, R/o House No.124, Vinay Nagar Indore, Madhya Pradesh.,
District : Indore, Madhya Pradesh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-
Dharsiwa, District-Raipur Chhattisgarh.

---- Respondent

For Applicants	:Mrs. Smita Jha, Advocate in M.Cr.C. (A)No.245/2019. Mr. Shashank Thakur, Advocate in M.Cr.C. (A)No.274/19.
For Respondent/State	:Mr. Mahesh Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/02/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in both the above cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.08/2019 registered at Police Station- Dharsiwa, District – Raipur(C.G.), for the offence punishable under Sections 186, 332, 353, 365 & 394 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. A totally false FIR has been lodged by the complainant against these applicants. The complainant party under the garb of official duty had stopped the trucks carrying goods and manhandled with the driver and other staff. The applicants had simply warned the officers of the complainant party and they had not engaged in any unlawful activities or commission of offence. The place of incident was nearly 2 km away from police-station- Dharsiwa and FIR could have been lodged immediately, which has been lodged later on after due deliberation which shows that the case has been concocted against the applicants. Hence, it is prayed that anticipatory bail be granted to these applicants.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that both the applicants have in a very high-handed manner prevented the officers of Commercial Tax Department from discharging their official duties

and also committed the offences of loot as well as kidnapping. In these circumstances, they are not entitled for grant of anticipatory bail.

5. Heard both the parties and perused the case diary.
6. Complainant Narendra Verma, Dy. Commissioner in Commercial Tax Department, has given a written complaint that on the date of incident officers and staff of the Commercial Tax Department were checking the vehicles on the spot with respect to the payment of taxes of goods being transported in the trucks as the concern papers and electronic proof were not found regarding payment of tax, the seized trucks were being escorted to the police-station-Civil Lines, Raipur. Applicants Saurabh Shukla along with Harish Karamchandani came in a car, who stopped the trucks and then manhandled one officer Surendra Patel, abused and also threatened him and looted his mobile phone and forced him to sit in his car. Hence, this case.
7. After considering on the entire material present in the case diary, it appeared from the statements given by the witnesses that both the applicants were present on the spot and deterred the officers of Tax Department from performing their official duties and also committed other offences, therefore, I do not feel inclined to grant anticipatory bail in such a cases to the applicants.
8. Accordingly, the anticipatory bail applications of applicants are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge