

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 476 of 2019**

Harsh Chhabariya, S/o. Shri Chetan Das Chhabariya, Aged About 42 Years, R/o. Vidya Nagar, Pendra, Tehsil Pendra, District Bilaspur Chhattisgarh.

----Applicant**Versus**

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

---- Respondent

For Applicant	: Mr. Achyut Tiwari, Advocate
For Respondent	: Mr. Aadil Minhaz, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/04/2019**

1. Apprehending arrest in connection with Crime No.319/2017, registered at Police Station – Pendra, District – Bilaspur (C.G.) for offence punishable under Section 147, 294, 186, 353, 506, 332, 34 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 on the basis of the material present in the case diary. Though his name is reflected in the FIR, but there is no specific allegation regarding any act committed by him. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Therefore, it is prayed that the applicant be granted 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

the applicant is named in the FIR and he was active participant in the commission of offence against police personnel, hence, his application should be rejected.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On the date of incident, the police personnel had made arrest of some gamblers and brought them to the police station. The mob followed the police station and the applicant was one of them, who manhandled, assaulted and abused the police persons thereby deterring them in performance of their duties. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary, 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