

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 961 of 2019

1. Surend Kumar Rathore S/o Mulchand Rathore Aged About 35 Years R/o Bhathora, Kasaipali, Police Station Kusmunda, District Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Suresh Patel S/o Netram Aged About 36 Years R/o Jawali, Bankimongara, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Amit Baghel S/o Ramkumar Aged About 45 Years R/o Ramsaras Kanchan Ganga, Estate Phase - 2 Near Sarswati Shishu Mandir, Rahnipuram Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Dr. Ajay Yadav S/o Late Ramkumar Yadav Aged About 40 Years R/o Dharamnagar, Near Shiv Mandir, Pachpedinaka Raipur, Tahsil And District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station Dipka, District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Non-applicant

For Applicants	: Shri Harshwardhan Parganiha and Shri Aayush Bhatia, Advocates.
For Non-applicant	: Shri Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

21/08/2019

1. This is first application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant.
2. The applicants are apprehending their arrest in connection with Crime No. 42/2019 registered at Police Station Dipka, District Korba (C.G.), for offence punishable under Sections 294, 506, 153(a)(1)(a), 153(1)(b), 147, 149, 303 of Indian Penal Code.
3. Case of the prosecution, in brief is that the complainant Manoj

Singh is PRO of ACB Company. On 17/02/2019 at Dipika Chowk, in a public meeting the applicants and co-accused persons gave speech threatening that the complainant, workers of Bihar, Haryana and Punjab should leave that place. They also abused and threatened the outsiders specially Bihari, Marvadi, Haryani and Punjabi persons and complainant also. They also provoked the people for committing riots.

4. Counsel for the applicants argued that FIR is delayed by one month, allegations are vexatious. There is no specific allegation against the applicants that they had given heat speech, thus they may be granted anticipatory bail.

5. On the other hand counsel for the State opposes the bail application. He further submitted that one criminal case is registered against the applicant No. 1 Surend Kumar Rathore and no criminal antecedents has been reported in police case diary against applicants No. 2, 3 & 4.

6. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record, looking to the impact of granting anticipatory bail to the applicants on society, this Court is not inclined to give benefit of Section 438 of the Cr.P.C. to the applicants.

7. Consequently, the present anticipatory bail application is rejected. However, it is directed that if the applicants surrender before the trial Court, the trial Court may dispose of their regular bail application at the earliest.

Sd/-

(Sharad Kumar Gupta)
JUDGE