

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1359 of 2019

- Devendra Kumar Mishra S/o Yogeshwar Prasad Mishra Aged About 32 years, Occupation Business, R/o Village Patna, Tahsil Baikunthpur, District Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ashok Kumar Shukla, Advocate.
For Respondent/State	: Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/11/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 161/2019, registered at Police Station Surajpur, Distt. Surajpur (C.G.) for the offence punishable under Sections 294, 506, 332, 353 & 186 of the IPC.
2. As per prosecution story, on 21.04.2019, complainant Vinod Kumar Tiwari, Sub-Engineer was in election duty at Pachira Toll Plaza. At about 10:00 PM one vehicle bearing Registration No. CG 16 CH 4074 was driven very rashly and negligently by the driver/applicant and when he reached near the toll plaza, despite of direction to stop, he tried to escape. It is further alleged that thereafter, the applicant started abusing with the complainant and also assaulted the

cameraman namely Manoj Kumar who was trying to record the incident. On the basis of report made by complainant, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Virtually, at the time of incident, the complainant and his companions were misbehaved with the applicant and some dispute has been taken place between them. He further submits that offence under Sections 332 and 353 of IPC can to be made out against the applicant and offence under Sections 294, 506 & 186 of IPC are the bailable offence. The applicant assaulted the cameraman, who was not a government servant. He finally submits that the applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the applicant assaulted the cameraman only, who was not a government servant. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge