

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1553 of 2019**

1. Bhanu Pal, S/o Late Gangadin Pal Aged About 51 Years R/o Baikunthpur, District- Koriya, Chhattisgarh.
2. Vikash Shrivastava S/o Rameshwar Shrivastava Aged About 41 Years R/o Baikunthpur, District- Koriya, Chhattisgarh.
3. Nayan Kevlani S/o Omprakash Kevlani Aged About 23 Years R/o Baikunthpur, District- Koriya, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Police Station Baikunthpur, District- Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pushkar Sinha, Advocate.
For Respondent/State	: Shri Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****04/12/2019**

1. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 192/2019 registered at Police Station Baikunthpur, District – Koriya, (C.G.) for the offence punishable under Sections 186, 294, 323, 332, 34, 353, 506 of I.P.C.
2. As per the prosecution story, complainant Dr. Firoz Sheikh made a written complaint on 20.07.2019 alleging therein that on 14.07.2019

when he was discharging his night duty at Baikunthpur Government Hospital then around 10:30 pm one accidental patient namely Jitendra Pal was brought to hospital for medical treatment, at that time present applicants and other persons were also present with patient. When complainant asked the applicants for making admission ticket for patient, allegedly, upon this present applicants used filthy languages and misbehaved with him (complainant) at Doctor's room and used criminal force to deter him from discharging his duty. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that relative of applicant No. 1 was admitted in the hospital. When the patient was brought in the hospital, at that time complainant was doing his night duty. When complainant told the applicants to bring the admission ticket from counter, applicants found no one sitting in the counter. When complainant refused to do treatment of the patient without admission ticket, then, applicants and complainant indulged in quarrel and abused each other. At the same time, some person went to Chief Medical Officer to make complaint against the complainant. It is further submitted that applicants have also made complaint against the complainant regarding the said incident, then to save himself from departmental action, complainant had lodged a false complaint against the applicants on 20.07.2019. He further submits that all offences are bailable except Sections 332, 353 of I.P.C. *Prima facie*, no offence can be made out against the present applicants. They are the reputed

persons. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that incident occurred on 14.07.2019 and F.I.R. has been lodged on 20.07.2019 and prior to this applicants have also made complaint against the complainant, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :
 - (i) They 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 from disclosing such fact to the

Court,

- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge