

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 63 of 2020**

Rishabh Kumar Verma S/o Shri Vijay Prakash Verma, aged about 34 years R/o Village Patna, Police Station Patna, Tahsil Baikunthpur, District Korea (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through the Station house Officer, Police Station Surajpur, District Surajpur (C.G.).

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board**10/06/2020**

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 161/2019 registered at police station – Surajpur, District Surajpur (C.G.) for the offence punishable under Section 294, 506, 332, 353 and 186 read with Section 34 of the Indian Penal Code.
3. According to the case of the prosecution, on 21/04/2019 Complainant Vinod Kumar Tiwari, Sub-Engineer was in election duty at Pachira Toll Plaza. At about 10:00 pm, co-accused Devendra Mishra who was driving the vehicle bearing registration No. CG16 CH 4074 in rash and negligent manner, reached there. Despite the directions to stop, he

tried to escape from there. It is alleged that the applicant was also present in the said vehicle. It is the further case of the prosecution that both co-accused Devendra and the applicant started to abuse the Complainant. They also assaulted one cameraman namely Manoj Kumar who was trying to record the incident. On the basis of the report made by the Complainant, offence has been registered.

4. 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 misbehaved with the applicant, due to which a dispute took place between them. He further submits that on the same set of facts, co-accused Devendra Kumar Mishra has been extended the benefit of anticipatory bail vide order dated 14/11/2019 passed in MCRC No. 1359/2019, therefore, he prays that the applicant may also be extended the benefit of anticipatory bail.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case and the argument advanced by counsel for the parties, particularly considering that on the same set of facts co-accused Devendra Kumar Mishra has been extended the benefit of anticipatory bail, without further commenting on other merit of the case, I am inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is allowed.

9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- 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 make 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.

10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge