

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 348 of 2020**

- Gauri Shankar Shrivastava S/o Late Shri Dinesh Kumar Shrivastava Aged About 39 Years 305, Rishabh Residency Third Floor, Rajendra Nagar, Tehsil And District - Raipur Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The S.H.O. Police Station Deendayal Nagar, District Raipur Chhattisgarh

---- Respondent

For Applicant
For Respondent /State

Mr. Vivek Sharma, Advocate
Mr. Gagan Tiwari, Dy. GA

Proceedings through Video Conferencing**SB: Hon'ble Mr. Justice Prashant Kumar Mishra****Order On Board****14/8/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.52/2020 registered at Police Station Deendayal Nagar, Raipur, District Raipur (CG) for the offence punishable under Sections 189, 353, 506/34 of the IPC.
3. The applicant along with his friend Kunal Shukla allegedly went

to the Police Station to get their common friend Ritesh Thakur released. The said Ritesh Thakur was arrested by the Police in execution of warrant of arrest, however, on coming to know about his arrest, the applicant and Kunal Shukla reached the Police Station and threatened the SHO to release Ritesh Thakur otherwise she will be removed from service.

4. Out of the offences alleged against the applicant, only Section 353 of the IPC is non-bailable.
5. It is strange that as to when the applicant and Kunal Shukla created nuisance and threatened the SHO, why they were not arrested on the spot in the Police Station itself. Mere fact that the SHO sought permission of the higher authorities for proceeding against the applicant dilutes the nature of allegations.
6. Considering the entire facts situation of the case, I am of the opinion that present is a fit case, in which, the applicant should be extended the benefit of Section 438 of Cr.P.C.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) he shall make himself available for interrogation by a Police Officer as and when required;

(ii) he 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 for disclosing such facts to the Court or to any Police Officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna