

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 559 of 2020

1. Uttam Bhardwaj S/o Shri Ishwari Bhardwaj Aged About 31 Years R/o Village-Bhilouni, Police Station And Tahsil- Pamgarh, District- Janjgir Champa, Chhattisgarh.
2. Ishwari Bhardwaj S/o Late Rameshwar Aged About 55 Years R/o Village Bhilouni, Police Station And Tahsil- Pamgarh, District- Janjgir-Champa, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Pamgarh, District- Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicants	: Ms. Seema Singh, Advocate.
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/06/2020

1. The matter is heard through Video Conferencing.
2. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No. 95/2020, registered at Police Station: Pamgarh, District: Janjgir-Champa (C.G.) for the offence punishable under Section 188, 294, 506, 353, 352/34 of IPC.
3. According to the case of prosecution, on 28.03.2020, complainant Nareshwar Banjare, Constable, was going to attend his duty at Sasha Barrier. Allegedly, on way he reached the Village Bhilauni at that time, the present Applicants were violating the order of the Government by doing the business of Selling and Purchase of daily use of *Rashan*. On being intervened by the constable, the present Applicants tried to commit *Maar-peet* with him and also abused him. Thereafter, when the constable Dilharan tried to intervene, they also abused and dashed him. On the basis of said, offence has been registered.

4. Learned counsel appearing on behalf of the applicants submits that the applicants have been falsely implicated in the present case. Virtually, there is no shop of the present Applicants at the spot of the incident, they were preparing food packets for the labours/migrants as directed by the Local MLA. Consequently, the dispute took place because of the mis-understanding, therefore, it is prayed that the Applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties, 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.
8. Accordingly, this anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them 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/applicants shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants 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