

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 565 of 2020

Kishan Chand Potani S/o Govardhan Potani, aged about 42 years, Proprietor-S.S. Pan Shop, R/o Near Shiv Temple, Vidya Nagar, Lane- 2, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Tarbahar, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Ms. Hamida Siddique, Dy. Adv. General

Hon'ble Shri Justice Arvind Singh Chandel

Order

24/06/2020

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. 96/2020 registered at police station – Tarbahar, District Bilaspur (C.G.) for the offence punishable under Sections 188 of the Indian Penal Code.
3. According to the case of the prosecution, on the date of incident the applicant being aware about the ongoing lock down, has opened the pan shop and hence disobeyed the order of lock down, and thereby he committed the offence under Section 188 of the Indian Penal Code.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated. He further

submits that the applicant was not having any information regarding lock down and by mistake he had opened the said shop. He has not disobeyed the said order of lock down intentionally. He prays to extend the benefit of anticipatory bail to the applicant.

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 the fact that the applicant had mistakenly opened his shop during the lock down as he was not having information regarding lock down, 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

Rahul