

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 815 of 2020

Surendra Pal Bal S/o Late Khadak Singh Bal Aged About 45 Years R/o Village Jhalmala, Out Post Jutemill And Police Station Kotwali, Tahsil And District Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Of The Out Post Jutemill And Police Station Kotwali, Tahsil And District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

16/09/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 453/2018, registered at Police Outpost Jutemill, Police Station Kotwali, Distt. Raigarh(C.G.) for the offence punishable under Section 188 of the IPC.
3. According to the case of prosecution, the applicant is running one Security Service Centre namely Gagan Securities Services Raigarh. On 20.03.2018, a notice has been given him for submitting necessary documents for renewal of license of said Security Services but the applicant has not complied with that directions, therefore, offence has been registered against him.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that since 2013, the applicant having a valid legal license to run the said Security Services. The Counsel further submits that the applicant had already applied for renewal of license and the process was pending. The Counsel lastly submits that as per Section 195 (a)(1) of

Cr.P.C., Police Authority is not permissible for lodging direct FIR, Police Authority may file a written complain before the concerned Magistrate for registration of the offence under section 188 of the IPC. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and after perusal of documents annexed with the application. 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, 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 personal bond for a sum of Rs. 25,000/- with one solvent 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 accused/applicant shall made 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.

Sd/-
(Arvind Singh Chandel)
Judge