

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 588 of 2020

1. Rajesh Kumar Agrawal S/o Ghanshyamdas Agrawal Aged About 47 Years
Occupation Business R/o Subhash Chowk Kharsiya, Tahsil Kharsiya,
District Raigarh, Chhattisgarh.
2. Sunil Kumar Sultaniya S/o Hariram Sultaniya Aged About 57 Years
Occupation Business R/o Dabhra Road, Kharsiya, Tahsil Kharsiya, District
Raigarh, Chhattisgarh.
3. Praveen Kumar Agrawal S/o Gajanad Agrawal Aged About 43 Years
Occupation Business R/o Bujaram Gali, New Post Office Kharsiya, Tahsil
Kharsiya, District Raigarh, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Kharsiya, District Raigarh,
Chhattisgarh.

---- Respondent

For Applicants : Shri Sanjay Agrawal, Advocate.

For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

29/06/2020

1. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 153/2020 registered at Police Station Kharsiya, District – Raigarh, (C.G.) for the offence punishable under Section 188 of I.P.C. and Section 3 of Epidemic Diseases Act, 1897.
2. According to case of the prosecution, the District Magistrate issued order to impose Section 144 of Cr.P.C. on 19.3.2020 to prevent the

spread of Pandemic Covid-19 and issued guidelines for the persons returning from other states and countries. It is further alleged that applicants returned from Almaty (Kazakhstan) on 19.3.2020 and upon their returned they were medically examined by the Doctors and advised to be in Home Isolation for a period of 14 days. It is further alleged that the applicants were found roaming in the streets, public place, on the road and making contacts with their staff and other persons. On the basis of the above, offence has been registered.

3. Learned Counsel appearing for the applicants submits that applicants are innocent and have been falsely implicated in the present case. He further submits that there is no evidence available on record against applicants which shows that they have violated the guidelines issued by District Administration. On 19.3.2020, applicants were directed to remain quarantine in hospital till 4.4.2020 and after that they were informed and advice to be in the Home Isolation for a period of 14 days. It is further submitted that there is no such orders issued on 19.3.2020 regarding home isolation of the applicants. Therefore, *prima facie*, no offence can be made out against present applicants. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence

collected by the prosecution and particularly considering the fact that there is no such orders issued on 19.3.2020 regarding home isolation of the applicants, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) They 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 from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge