

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 618 of 2020

- Rajkumar Mishra S/o Ganesh Prasad Mishra Aged About 50 Years R/o Haldibadi, Chirmiri P.S. Chirmiri, Tehsil Khadgava, District Korea Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Chirmiri, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Shri B.P. Singh, Advocate.

For Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/06/2020

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 195/2020 registered at Police Station Chirmiri, District – Koriya, (C.G.) for the offence punishable under Section 188 of I.P.C.
2. According to case of the prosecution, on 14.05.2020 by violating the orders of the government, present applicant opened his shop. In this regard, a written complaint was made by Nayab Tahsildar. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicant submits that applicant is innocent and has been falsely implicated in the present case. He

further submits that *prima facie*, no case is made out against present applicant. Virtually, applicant had a shop of photo framing situated in his home itself and shutter of the said shop was half opened for entry in the house. Therefore, it is prayed that applicant 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 and considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on 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. He shall also abide by all the following terms and conditions :

- (i) 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be

prejudicial to fair and expeditious trial, and

- (iii) He 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

Prakash