

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 630 of 2020**

- Munna Upadhyay S/o Shri Bhairav Dutt Upadhyay, Aged About 35 Years R/o Janakpur Ward, Kanker, Ps And District North Bastar, Kanker Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The S H O, Police Station Kanker, District North Bastar Kanker, Chhattisgarh.

---- Respondent

For Applicant : Shri Sandeep Shrivastava, 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. 147/2020 registered at Police Station Kanker, District – North Bastar Kanker, (C.G.) for the offence punishable under Sections 147, 149, 294, 457, 506 & 188 of I.P.C.
2. According to case of the prosecution, on 15.4.2020 about 20-25 persons headed by present applicant entered forcibly in the house of CMOs of Antagarh and Pakhanjur. At that time complainant was also present there. Allegedly, applicant and other persons who entered in the house, started abusing them saying that they are consuming liquor

and started making their videos after keeping liquor bottle on the spot. They also threatened the complainant and other persons. 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 apart from Sections 188 and 457 of I.P.C., all other offences are bailable. Virtually, complainant alongwith other persons used to consume liquor at public place and when applicant opposed the same, then a dispute took place between them. *Prima facie*, no case under Sections 188 and 457 of I.P.C. are made out against present applicant. 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, 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