

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 694 of 2020**

Manoj Kumar Sahu S/o Shri Murlidhar Sahu, Aged about 48 years R/o Kasdol,
P.S. Kasdol, District Balodabazar- Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer of Police Station Kasdol,
District Balodabazar- Bhatapara (C.G.).

---- Respondent

AND

MCRCA No. 726 of 2020

Avinash Kumar Mishra S/o Shri Prafulla Kumar Mishra, aged about 44 years
R/o Village Gordha, Thana Kasdol, Distt. Balodabajar-Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Kasdol,
District Balodabazar- Bhatapara (C.G.).

---- Respondent

For Applicant in MCRCA 694/2020	:	Mr. Shailendra Dubey, Advocate
For Applicant in MCRCA 726/2020	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13/08/2020

1. These matters are heard through video conferencing.
2. Since both the cases relate to same crime number, therefore, they are being decided by this common order.
3. The applicants have filed these applications under Section 438 of the

Cr.P.C. for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 173/2020 registered at Police Station Kasdol, Balodabazar Bhatapara (C.G.) for the offence punishable under Sections 186, 294 & 323 of the IPC, Section 3 of Prevention of Damage to Public Property Act, 1984 and Section 4 of the Chhattisgarh Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or loss to property) Act, 2010.

4. According to the case of the prosecution, on 09/03/2020 at about 11:30 pm, one Sandeep Mishra, resident of Kashdol was brought for his treatment from police station of Kasdol. It is alleged that the applicants and other 20-22 persons were present there and were loudly shouting to arrest the person who attacked on Sandeep Mishra. It has been further alleged that the camera placed in front of the dressing room was broken by the applicants and other persons and thereby they damaged the government property. The doctors and other staffs got scared due to which official work got interrupted. On 11/03/2020, an FIR has been lodged and on that basis offence has been registered.
5. Learned counsel appearing on behalf of the respective applicants submit that the applicants are innocent and they have been falsely implicated in the present case. They further submit that the FIR has been lodged after two days of the incident inspite the fact that the concerned Police station is only 1 km far from the place of the incident. Moreover, at the time of the incident, the police official were present which shows that a false and fabricated report has been lodged later

on. They further submit that offence under Section 186 of the IPC (for the time being) and Section 3 of the Prevention of Damage to Public Property Act, 1984 are non-bailable and other offences are of bailable nature, therefore, they pray to extend the benefit of anticipatory bail to the applicants.

6. Learned counsel appearing on behalf of the State opposes the said applications.
7. I have heard counsel for the parties.
8. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and further considering the allegations made against the applicants and the fact that the FIR has been lodged after two days of the incident, without further commenting on other merit of the cases, I am inclined to give benefit of anticipatory bail to the applicants.
9. Accordingly, the anticipatory bail applications are allowed.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.10,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:
 - i. That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer and if their specimen signature would be required they will submit their specimen signature as and when required;
 - ii. The accused/applicants 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/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

iv. The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

11. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul