

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 861 of 2020

- Bhupendra Kishore Vaishnav S/o D. D. Vaishnav Aged About 38 Years R/o Near Town Hall, Kharsia, Tahsil And Thana Kharsia, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Kharsia Tahsil Kharsia, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri N.K. Malaviya, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24/08/2020

1. Heard through video conferencing.
2. The applicant has preferred the first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 229/2020 registered at Police Station Kharsia, District – Raigarh, (C.G.) for the offence punishable under Sections 188, 269, 270 of the Indian Penal Code and Section 3 of Epidemic Diseases Act.
3. As per the case of the prosecution, it is alleged that applicant was roaming outside the house inspite of the order passed by the Collector, Raigarh dated 19.03.2020 during 'Covid -19' lockdown period. On the basis of the said, offence has been registered.

4. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that applicant has never violated the order passed by the Collector, Raigarh. On the date of incident, applicant had left his house for some essential work. It is further submitted that applicant had not done the alleged act intentionally. Thus, it is prayed that applicant may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available.
7. 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 further considering the fact that applicant had not done the alleged act intentionally, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
8. Accordingly, the bail application is allowed.
9. 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