

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 847 of 2020

1. Pankaj Kumar Tande, S/o Shri Latelram Tande Aged About 31 Years R/o Village Pamgarh, Ward No. 3, P.S. Pamgarh, District Janjgir Champa Chhattisgarh.
2. Shashipratap Tande S/o Shri Latelram Tande Aged About 33 Years R/o Village Pamgarh, Ward No. 3, P.S. Pamgarh, District Janjgir Champa Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Pamgarh, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicants : Ms. Meena Shastri , Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

02/09/2020

1. Heard through video conferencing.
2. The applicants have preferred the first bail application under Section 438 of Cr.P.C. for apprehending their arrest in connection with Crime No. 203/2018 registered at Police Station Pamgarh, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 147, 186, 294, 341, 353, 506 of the Indian Penal Code.
3. As per the case of the prosecution, on 6.8.2018 co-accused persons namely Nikhil and Devesh parked their motorcycle on road and when police officials initiated the proceedings of challan, they both alongwith

present applicants and other co-accused persons abused the police officials and also interrupted the official work. It is also alleged that accused persons threatened the police officials. Matter was reported by Inspector Usendi, on the basis of said, offence has been registered.

4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. She further submits that applicant No. 1 is a Journalist and applicant No. 2 is the brother of applicant No. 1. Shop of applicant No.2 is situated near police station. To create pressure, names of the applicants have been falsely implicated in the case. It is further submitted that from the contents of F.I.R., no offence under Section 353 of the I.P.C. is made out against applicants and all other offences are bailable. Therefore, it is prayed that applicants 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 after going through the contents of the F.I.R., without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

8. Accordingly, the bail application is allowed.

9. 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 them 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