

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 954 of 2020**

1. Manish Dubey @ Rinki S/o Devendranath Dubey Aged About 30 Years R/o Pratappurnaka, Ambikapur Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh.
2. Nitish Tamrakar S/o Kishor Tamrakar Aged About 30 Years R/o Near Jodapipal, Ambikapur, District Surguja Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh.

---- Respondent**WITH****MCRCA No. 842 of 2020**

Anil Dubey S/o Harvansh Dubey Aged About 55 Years Caste - Bramhan, Occupation - Advocate, Resident Of Pratappur Naka, Ambikapur Police Station And Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Kotwali, Ambikapur District Surguja Chhattisgarh.

---- Respondent

For Applicants	: Mr. Rahul Mishra, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16.09.2020

1. The matter is heard through Video Conferencing.
2. Since, both the cases are arising out of same crime number therefore, they are being decided by this common order.

3. The applicants have filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.742/2019, registered at Police Station: Kotwali, Ambikapur, District: Surguja (C.G.) for the offence punishable under Section 147 & 353 of IPC.
4. As per the prosecution story, on 18.12.2019, a report was made alleging therein that on 07.12.2019 at around 07.00 P.M. when the S.D.O.P. Madam namely Anchal Tiwari was recording the statements of one Siddharth Mishra. At that time, the friend of Siddharth Mishra namely Ramprakash Pandey was standing near gate. Allegedly, at that time the present Applicants along with other co-accused persons entered the chamber of S.D.O.P. and abused there and prevented the police officials to perform their official duties. On the basis of said, offence has been registered.
5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. He submits that if the entire case is taken as it is no offence under Section 353 of IPC is made out because the main ingredients that is assault or criminal force towards public servant is missing. He further submits that the alleged incident occurred on 07.12.2019 at around 07:00 P.M. inside the police station, but inspite of that the FIR has been recorded after 24 hours of the alleged incident therefore, the entire story is false and fabricated therefore, it is prayed that the present Applicants may be granted benefit of anticipatory bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties.
8. Considering the facts and circumstances of the case and arguments adduced by counsel for the Applicants and after going through the contents of FIR and particularly considering that incident occurred inside the police station and FIR has been recorded after 24 hours, without further commenting on merits of the case, I am inclined to release the Applicants on bail.

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. 25,000/- with one surety 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 made themselves available for interrogation before the concerned Investigating Officer 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.

Sd/-

(Arvind Singh Chandel)
Judge