

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1115 of 2020**

- Evan Sahu S/o Gajanand Sahu Aged About 36 Years R/o Village Sirgidi, P. S. Khallari, Tahsil And District Mahasamund Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Mahasamund, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	Mr. Siddharth Rathod, Advocate
For Respondent/State	Mr. Ayaz Naved, Government Advocate

S.B.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****2/12/2020**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.231/2019 registered at Police Station Mahasamund, District Mahasamund (CG) for the offence punishable under Section 394/34 of the IPC.
3. It is alleged that the applicant along with co-accused Uttam Sahu and Suman Sendre had obstructed the vehicle belonging

to the complainant party by committing *marpeat* and loot of two mobile sets, keys of the vehicles and cash of Rs.6000/-.

4. Learned counsel for the applicant would submit that three vehicles were involved in illicit transport of cattle, which was stopped by the accused persons, however, except for some manhandling, no other incident had taken place. He would refer to para 7 of the order dated 5.7.2019 passed by a Coordinate Bench of this Court while releasing the co-accused on regular bail in MCRC Nos.3831/2019 and 3887/2019.
5. Learned counsel for the State would oppose the prayer for grant of bail.
6. The Coordinate Bench has referred to the affidavit filed by complainant Santosh Gupta denying the occurrence of the present incident.
7. In the circumstances and having considered the arguments raised by learned counsel for the applicant as well as the material available in the case diary, I am of the opinion that present is a fit case to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) he shall make himself available for interrogation by a Police Officer as and when required;
- (ii) 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

Shyna