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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1418 of 2020

Anil Kumar Jindal S/o Shri Dwarika Prasad Jindal, aged about 52 years, Caste: Agrawal, R/o Village And Post Pathalgaon, P.S. And Tehsil: Pathalgaon, District : Jashpur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Pathalgaon, District : Jashpur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Surfaraj Khan, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09.11.2020

1. The matter is heard through Video Conferencing.
2. The applicant has filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No.205/2020, registered at Police Station: Pathalgaon, District: Jashpur (C.G.) for the offence punishable under Sections 294, 506, 353, 188, 269, 270 of IPC and Section 3 of the Epidemic Diseases Act, 1897.
3. According to the case of prosecution, on 25.09.2020, at around 10:00 A.M., the complainant along with his team were in parading round of pathalgaon town because of Lock-down announced by Collector Jashpur from 22.09.2020 to 29.09.2020. Allegedly, at that time, it was found that the present Applicant has opened his cement shop and started quarrelling with the staff of Nagar Panchayat Pathalgaon. On the basis of which, offence has been registered.

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4. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case due to some political rivalry. The shop is owned by the Applicant but it was given to some another person on rent. Referring to the judgment passed by this Court on 14.07.2020 in CRMP No.880/2020, it has been submitted by the counsel that, police has not an authority to take cognizance directly. He also submits that except offence under Section 353 of IPC all the other offence are bailable in nature. According to the counsel, Prima Facie offence under 353 of IPC is also not made out because main ingredients i.e. assault or criminal force is missing in this case, therefore, he prays for grant of anticipatory bail to the Applicant.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties.
7. I have perused the contents of FIR and other material available on record. From perusal of FIR it appears that main ingredients i.e. assault and criminal force is missing in this case with regard to offence under Section 353 of IPC, and further considering the fact that except offence under Section 353 of IPC all the other offence are bailable in nature, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on 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 him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to

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dissuade him/her from disclosing such facts to the Court or to any police officer;

- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge

Saurabh