

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1820 of 2019**

- Rajendra Agrawal S/o Late Kishun Lal Agrawal Aged About 55 Years R/o Ward No. 8, Bakshi Marg, Itwari Bazar, Khairagarh, Police Station and Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri Vivek Singhal, Advocate.

For Respondent/State : Smt. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/02/2020

1. The applicant has preferred this first bail application filed under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 358/2019 registered at Police Station Khairagarh, District Rajnandgaon, (C.G.) for offence punishable under Sections 294, 186, 436, 34 of Indian Penal Code.
2. Facts of the case, in brief, is that on 01.10.2019 a written complaint has been made by one Kuldeep Jha, Accountant on behalf of C.M.O. Nagar Palika Parishad, Khairagarh wherein it has been alleged that present applicant and co-accused Uttam Lohar entered in the office of Nagar Palika Parishad, poured kerosene oil in the office and set fire

due to which some persons sustained injuries. It is alleged that at the time of incident applicant and co-accused were in drunk condition, they entered in the office, abused the employees, poured kerosene oil and set fire due to which one Shobha Yadav sustained injuries. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with the C.M.O. Nagar Palika Parisad. He further submits that *prima facie*, no offence under Sections 436 of I.P.C is made out against present applicant. It is further submitted that applicant had not set fire in the office, it is the co-accused Uttam Lohar who poured kerosen oil and set fire in the office. Looking to the above, it is prayed that applicant may be released on anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application and submits that there is sufficient material available on record on the basis of which *prima facie*, case is made out against present applicant. He further submits that the offences are heinous in nature. Thus, looking to the nature of the offences, anticipatory bail application of the applicant should be rejected.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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 also that there is sufficient material available against the present applicant, I am not inclined to extend the

benefit of anticipatory bail to the present applicant.

7. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash