

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1806 of 2019**

- Anurag Anand Kosariya S/o Shri Vijay Anand Kosariya Aged About 31 Years Caste Satnami, R/o New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, Jagdalpur, Chhattisgarh.

**---- Respondent**

---

|                      |                                  |
|----------------------|----------------------------------|
| For Applicant        | : Shri Shashank Thakur, Advocate |
| For Respondent/State | : Shri Amit Kumar Verma, P.L.    |

---

**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board****28/01/2020**

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. 378/2019 registered at Police Station Kotwali, Jagdalpur, (C.G.) for offence punishable under Sections 186, 353, 279 of I.P.C.
2. As per the prosecution story, one Santosh Sinha (A.S.I., P.S.- Kotwali, Raipur) went to Jagdalpur to arrest the present applicant in connection with Crime No. 288/2019 registered at P.S.- City Kotwali, Raipur, under Section 420 of I.P.C. On the date of incident, when complainant reached the spot he saw applicant was sitting in a four- wheeler vehicle near a grocery shop. When complainant came to applicant for making inquiry, then applicant tried to escape from the spot in his vehicle by dashing the car. Thus, applicant used criminal force on complainant by rash and negligent driving. On the basis of the said,

Complainant Santosh Sinha lodged the report thereafter, 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. He further submits that Sections 186 and 279 of I.P.C. are bailable and only Section 353 is non-bailable. Also, there is no material available on record on the basis of which it can be said that at the time of incident, applicant used any criminal force or assaulted the complainant anywhere. Therefore, offence under Section 353 of I.P.C. is not made out against applicant. 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.
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, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on his 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. He shall also abide by all the following terms and conditions :
  - (i) 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/her from disclosing such fact to the Court,

- (ii) He shall not act in any manner which may be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**