

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2024 of 2019

1. Vinay Kumar Yadav S/o Narayan Yadav Aged About 26 Years, Agriculturist And Owner Of Vehicle, R/o Vijay Nagar, Out Post Vijay Nagar, P.S. Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh
2. Prashant Vishwas @ Chhotu Bangali S/o Shanti Vishwas Aged About 46 Years R/o Sagarpur, Out Post Ganeshmod, P.S. Balrampur, District Balrampur, District Balrampur-Ramanujganj Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Balrampur, District Balrampur-Ramanujganj Chhattisgarh

---- Respondent

For Applicants	: Mr. Rakesh Pandey, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/01/2020

1. Learned Counsel for the applicants submits that applicant no. 1 Vinay Kumar Yadav has already been arrested, therefore, he does not want to press this bail application with regard to applicant no. 1.
2. Applicant no. 2 has filed this 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. 192/2019, registered at Police Station Balrampur, Distt. Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 420 & 353 of the IPC and Section 186 of Motor Vehicle Act.

3. As per prosecution story, one Vikas Narang lodged FIR to the effect that Vehicle No. CG 15 DE 2754 was intercepted by the police, which was loaded with crushed stone. The driver/applicant no. 2 ran away from the spot, allegedly, on being enquired, it was found that the actual number of the vehicle is CG 30 B 4143 and the same was being placed with forged number, therefore, vehicle owner/applicant no. 1 committed crime of cheating. It is further alleged that for releasing the said vehicle, applicant no. 2 used filthy language with the Police Officials and thereafter he threatened Constable Santosh Das and obstructed in the work of Government. On the basis of said background, offence has been registered.
4. Learned counsel appearing on behalf of applicant no. 2 submits that applicant no. 2 is innocent and has been falsely implicated in the present case. He further submits that there is no connection with applicant no.2 for the punishable under Section 420 of the IPC and Section 186 of the Motor Vehicle Act. The Counsel further submits that applicant no. 1 has already been arrested. In the statement of Constable Santosh Das, he has not stated anything against applicant no. 2 that at the time of incident, applicant no. 2 used any criminal force or threatened him, therefore, no offence under Section 353 of the IPC can also be made out. Hence, it is prayed that applicant no. 2 may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that in the statement of Constable Santosh Das, he has not stated anything against applicant no. 2 that at the time of incident, applicant

no. 2 used any criminal force or threatened him. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to applicant no. 2.

8. Accordingly, the anticipatory bail application is allowed with regard to applicant no. 2.

9. It is directed that in the event of arrest, applicant no. 2 shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one solvent 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 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 him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge