

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1984 of 2019**

- S.Md. Nadeem S/o S.A. Mannan Aged About 43 Years R/o Regal Lodge, Main Road Bacheli, District Dantewada, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bacheli Dantewada, District Dantewada, Chhattisgarh.

---- Respondent

For Applicant	: Smt. Indira Tripathi, Advocate
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**05/02/2020**

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. 68/2019 registered at Police Station Bacheli - Dantewada, District – Dantewada, (C.G.) for offence punishable under Sections 186, 294, 353, 506(B) of I.P.C.
2. Facts of the case, in brief, is that on 26.10.2019 around 12:30 PM an uncontrolled 10 tires truck met with an accident in the main road near Paal Kirana Store due to which one of the riders of the scooty died on spot, upon which the residents of Bacheli including the applicant and about 20 others gathered on spot and after jamming the traffic they started stonewalling the vehicles parked at the road side and also burnt some of the vehicles. Complainant who is the President of Municipality Council, arrived at the spot alongwith Chief Municipal

Officer around 3:00 PM to control the situation. Allegedly, present applicant and other accused persons started abusing the complainant and C.M.O. and also shouted '*maro maro*' reacting upon which other accused persons have thrown rocks at the complainant. On the basis of the complaint made by the complainant, 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. She further submits that apart from Section 353 of I.P.C. all other offences are bailable. With regard to Section 353 of I.P.C. there is nothing on record on the basis of which *prime facie*, it is established that present applicant has used any criminal force or assaulted the complainant. Thus, *prima facie*, no case under Section 353 of I.P.C. is 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