

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1985 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. 69/2019 registered at Police Station Bacheli - Dantewada, District – Dantewada, (C.G.) for offence punishable under Sections 147, 341, 392, 427, 435, 506(B) of I.P.C.
2. Facts of the case, in brief, is that on 26.10.2019 around 1:30 PM an uncontrolled 10 tires truck met with an accident in the main road near Paal Kirana Store due to which two person 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. At that time, complainant, who is the driver of a truck bearing registration No. CG 18 H 0984 was sitting inside the truck was

unable to move due to traffic jam then the gathered public have threatened to kill him and robbed Rs. 10,000/- out of his pocket. On the basis of the complaint made by the driver of the truck, 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 applicant is the Vice-President of Human Right Society and being the Vice-President he went to the spot. There is no specific allegation regarding burning of truck against applicant and also there is no evidence collected against him. Therefore, offence under Section 435 of I.P.C. is not made out against applicant. She further submits that with regard to offence under Section 392 of I.P.C., there is no allegation against applicant regarding robbing of Rs. 10,000/- from the complainant in the crowd. Thus, no case under Section 392 of I.P.C. is made out against applicant. Apart from these offences, all other offences are bailable. 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