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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 688 of 2021**

Kunal Kumar Singh S/o Late Rewatiraman Singh Aged About 41 Years Occupation Business, Caste Kshatriya, R/o Vasundhara Vihar Colony, Godhanpur , Police Station Gandhi Nagar, Tahsil Ambikapur , District Surguja Chhattisgarh.

---- Applicant**Versus**

The State of Chhattisgarh Through Police Station Ambikapur , District Surguja Chhattisgarh.

---- Non-applicant**MCRCA No. 695 of 2021**

1. Smt. Sandhya Singh W/o Shri Sanket Singh Aged About 40 Years Occupation House Wife, Caste Kshatriya, R/o Vasundhara Vihar Colony, Godhanpur, P. S. Gandhi Nagar, Tahsil Ambikapur District Surguja Chhattisgarh.
2. Sanket Singh S/o Late Ramesh Singh Aged About 43 Years Occupation Business, Caste Kshatriya, R/o Vasundhara Vihar Colony, Godhanpur, P. S. Gandhi Nagar, Tahsil Ambikapur District Surguja Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through Police Station Ambikapur District Surguja Chhattisgarh,

---- Respondent**MCRCA No. 707 of 2021**

Sankalp Singh, S/o Shri Sanket Singh, Aged About 18 Years Occupation- Student, Caste - Kshatriya, R/o. Vasundhara Vihar Colony, Godhanpur, Police Station Gandhi Nagar, Tahsil Ambikapur, District Surguja Chhattisgarh.

---- Applicant**Versus**

The State of Chhattisgarh, Through - Police Station Ambikapur, District Surguja Chhattisgarh.

---- Non-applicant

For Applicants : Shri Neeraj Kumar Mehta, Advocate

For Non-applicant/State : Shri Sudhir Sahu, Panel Lawyer

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

27.07.2021

1. Since all the three anticipatory bail applications arise out of same crime number, they are being heard and decided by the common order.
2. The applicants have preferred these first bail applications under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.240 of 2021, registered at Police Station Ambikapur, District Surguja, Chhattisgarh for offence punishable under Sections 147, 148, 186, 294, 506, 332 and 353 of Indian Penal Code.
3. Case of the prosecution in brief, is that, on 27.02.2021 at about 9.15 PM, applicant along with Yash Singh, Anshu Vaishnav, Arpit Mourya, Deepak Mishra, Sanket Singh, Kunal Singh, Ajay Kumar Prasad, Lalit Vaishnav and Smt. Sandhya Singh have interfered with the discharge of official duty of complainant Satyendra Dubey, who is police Constable. They have abused in filthy language and also gave life threat. They have assaulted the complainant, upon which, he suffered injuries over his hand, chest, stomach, head and legs. The incident was reported to the Police Station on 28.02.2021 at about 2.30 PM, based upon which, instant crime was registered against the present applicants.
4. Shri Neeraj Kumar Mehta, learned counsel for the applicants in all the anticipatory bail applications submits that absolutely false and

frivolous allegations have been levelled against the applicants. He further submits that on 27.02.2021 when applicant Sankalp Singh and his two friends were travelling on a Car, he was intercepted by complainant Satyendra Dubey and asked for papers. When Sankalp Singh could not produce some papers of the vehicle, they have taken to Police Station where Sankalp Singh called his father along with papers of the vehicle, upon which, Sanket Singh appeared at Police Station. There some hot-talk took place and complainant himself assaulted Sankalp Singh in the heat of argument, due to which, Sankalp Singh suffered grievous injuries. He was taken to hospital and looking to the grievous injuries, he was shifted to hospital at Varanasi. It is contended that complainant Satyendra Singh was not on his official duty at the time of incident. There was no duty certificate available in the case diary. As per allegation, incident took place in the Police Station itself at about 9.15 PM on 27.02.2021, but First Information Report has been registered at about 2.30 PM in the next day i.e. on 28.02.2021, this itself shows that allegations levelled against the present applicants are false and First Information Report registered against the present applicants is an afterthought. It is argued that offence under Sections 332 and 353 of IPC are punishable with imprisonment which may extent up to three years, two years or fine or with both. It is further contended that as the duty certificate is not placed on record, hence, offence under Sections 332 and 353 of the IPC would not be attracted and other offences as alleged against the present applicants are bailable, therefore, they may be enlarged on anticipatory bail.

5. Per contra, Shri Sudhir Sahu, learned Panel Lawyer representing the State vehemently opposes the bail application and submits that incident took place while the complainant was discharging his official duty. He further submits that on the assault made upon the complainant, he suffered injury and thereafter, report was lodged against the present applicants, hence, present applicant is not entitled for grant of anticipatory bail.
6. On putting specific query with regard to the duty certificate of complainant Satyendra Dubey in the case diary, he submits that no duty certificate or any document is available in the case diary to show that complainant was discharging his official duty at the time of incident.
7. I have heard learned counsel for the parties.
8. Taking into consideration entire facts and circumstances of the case, nature of allegations levelled against the present applicants, incident alleged to have been taken place in the Police Station itself on 27.02.2021 at about 9.15 PM, but First Information Report was lodged only on 28.02.2021 at about 2.30 PM and there is no document to show that at the time of incident, complainant was discharging his official duty, without commenting anything into the merits of the case, I am inclined to release the present applicants, namely, Kunal Kumar Singh, Smt. Sandhya Singh, Sanket Singh and Sankalp Singh on anticipatory bail.
9. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicants, namely, Kunal Kumar Singh, Smt. Sandhya Singh, Sanket Singh and Sankalp Singh in

connection with the aforesaid offence, they shall be released on anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

(i) they shall make themselves available for interrogation by a police officer as and when required;

(ii) they 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 them from disclosing such facts to the Court or to any police officer.

(iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge