

MCRCA No. 675 of 2021

---- Applicant

---- Non-applicant

(Proceedings through Video Conferencing)

Order on Board

26.07.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.256 of 2021, registered at Police Station Kharsia, District Raigarh (C.G.), for offence punishable under Sections 186 and 353 of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 26.04.2021, complainant was working in Civil Hospital, Kharsia and doing the work assigned to him of Sweeper. While so, one unknown person entered into the Vaccination Centre and asked as to why the peoples are not vaccinated today, upon which, Smt. Subharda Yadav, Rural Health Officer replied that vaccine has not reached yet and as soon as vaccine reaches the Centre, persons will be vaccinated. Upon this, said person became aggressive, started shouting in filthy language

and also pulled the collar of complainant, snatched the ID card and also assaulted by means of hands and fists. Incident was reported to concerned Police Station, based upon which, instant crime was registered against the present applicant.

3. Shri Kishore Bhaduri, learned senior counsel for the applicant submits that present applicant has been implicated in false case. He further submits that applicant and his parents were received message vaccinating them on 19.04.2021 and thereafter, on 26.04.2021. When they reached on vaccination Centre on 19.04.2021, they were not vaccinated on the ground that the vaccine is not available and on 26.04.2021 i.e. alleged date of incident, similar fact has been narrated, therefore, some hot-talk taken place between complainant and employees present there. It is contended that applicant has not committed any offence as alleged against him. It is further contended that punishment under Section 353 of the IPC is imprisonment of two years or fine or both, hence, applicant may be granted anticipatory bail.
4. Per contra, Shri Sudhir Sahu, learned Panel Lawyer representing the State vehemently opposes the bail application and submits that there is specific allegation of interference in discharge of Government duty and further man-handling the Government Servant, hence, present applicant is not entitled for grant of anticipatory bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration entire facts and circumstances of the case, nature of allegations and considering the mobile messages for vaccination, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.

7. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall abide by the following conditions:-

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

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

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

Certified copy as per Rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh