

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 817 of 2021

Sukhdev Singh Siddhu S/o Late Jaswant Singh, Aged About 39 Years,
 R/o near Gurudwara, Shyam Nagar, Telhibandha, District : Raipur,
 Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Police Station -Nandani Nagar, Durg.

--- Respondents

For Applicant	: Mr. Ankur Agrawal, Advocate.
For Respondent-State	: Mr. B.L. Sahu, PL.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

28/07/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.180/2021 registered at Police Station -Nandani Nagar, Durg, (CG), for the offence punishable under Sections 458, 294, 506 -B, 323, 427, 380, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 31.05.2021 at about 9:40 pm, someone called the complainant on his Mobile Phone No.7828589050 from Mobile Phone No.9425503177 and threatened him that he will get his office closed on the dispute of cement bidding system. Thereafter at about 10:30 pm, office supervisor of complainant Harshdeep called him intimating that some persons, abusing in filthy languages forcefully entered into office with club and Stick. When complainant reached the office, Harshdeep intimated him that group of persons entered into office and damaged the office property, Rakesh Yadav and Yogesh Yadav were the part of mob and they stated that they have been sent by Sukhdev Singh. Incident was reported to the concerned Police Station, based

upon which, instant crime was registered against the 11 accused persons including the present applicant.

3. Learned counsel for the applicant submits that false and baseless allegation has been levelled against present applicant. There was some dispute between complainant and the Union of Transporter on account of bidding system, fixing fare of transportation, due to hike in price of fuel. Applicant was neither present on the spot nor part of mob who entered into the office of complainant, damaged the office property and also stolen Rs.24,500/- from cash box of office. The allegation even if taken that it is applicant who had called complainant on his Mobile Phone and given threat, will fall only under Section 506 -B of the IPC. Hence, applicant may be extended benefit under Section 438 of Cr.P.C.
4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicants and submits that it is present applicant who threatened and abused the complainant in filthy language on his mobile phone on the dispute of bidding system of fixing fare for transportation of cement. The co-accused persons Anuj Sharma and Neeranjan Pathak, who are also the transporter, were arrested and in their memorandum statement it is clearly mentioned that applicant has asked Anuj Sharma to stop the bidding system. In support of his contention, he read over the memorandum statement of Anuj Sharm. On putting a specific query to learned State Counsel, he replied that in memorandum statement, there is no specific mention that it is applicant who asked the co-accused to create a mob and enter into the office of complainant.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of

allegation levelled against present applicant, materials collected by the Police and the fact that present applicant is not present on the spot, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the crime in question, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions :

- (i) that applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that 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) that applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Parth Prateem Sahu)
Judge

Jamal/-