

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1479 of 2020**

- Anurag Bansal S/o Rajesh Kumar Bansal Aged About 33 Years R/o- D.C. Road, P.S. And Tehsil Ambikapur, Distt.- Sarguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Ambikapur, Distt.- Sarguja, Chhattisgarh

---- Respondent

MCRCA No. 1526 of 2020

- Ravi Garg S/o Shri Gulab Agrawal Aged About 40 Years R/o Kundla City, Ambikapur, P.S. Ambikapur, District Sarguja Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Incharge- Police Station Ambikapur, District Sarguja Chhattisgarh.

---- Respondent

For Applicant in MCRCA No.1479/2020:- Mr. Sanjay Agrawal, Adv

For Applicant in MCRCA No.1526/2020:- Mr. Ankit Singhal, Adv

For Respondent-State :- Mr. Ayaz Naved, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

13/01/2021

1. Since both the anticipatory bail applications are arising out of the same crime number, they are being heard and decided by this common order.
2. The applicants have preferred these applications for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.550/2020, registered at Police Station Ambikapur, Distt- Sarguja C.G. for offence punishable under Section 188 and 269 of the IPC and Section 4(A) of the Public Gambling Act and Section 51 of the Disaster Management Act, 2005 (wrongly mentioned in impugned order as Epidemic Act instead of Disaster Management Act).
3. These two applicants apprehend their arrest on allegation that on receipt of secret information that some persons are involved in public gambling, the concerned Police conducted a raid and found that Rahul Dabraal and Govinda Sahu are involved in IPL gambling through gambling sheets (*satta patti*), mobile and television. Rahul Dabraal informed the Police in his memorandum statement that applicant Ravi Garg is the person under whose instructions they are working. Similarly, accused Govinda Sahu informed the Police in his memorandum statement that he is working

under instructions from the applicant Anurag Bansal and the entire operation is managed from his petrol pump. On search, cash of Rs.2 Lacs, mobile, TV set-top box etc. were recovered from Rahul Dabraal and Govinda Sahu. Some gambling sheets (*satta patti*) were recovered from R.K. petrol pump belonging to the applicant Anurag Bansal.

4. Learned counsels for the applicants would submit that except for the offence under Section 188 of the IPC other offences are bailable. Referring to the order passed by the co-ordinate Bench in the matter of **Dr. Apurva Ghiya Vs. State of Chhattisgarh & Ors.** in WPCR No.310 of 2020 decided on 07.10.2020, it is argued that for the offence under Section 188 of the IPC, no FIR can be registered under Section 154 of the Code of Criminal Procedure unless there is a complaint lodged by the aggrieved public officer.
5. Learned State counsel would oppose the prayer for grant of bail.
6. In the case at hand, the present applicants are sought to be arrested on the basis of memorandum statement of co-accused persons. All other offences except Section 188 of the IPC are bailable and no complaint has been lodged by the aggrieved public officer, as required in law in respect of offence under Section 188 of the IPC. Therefore,

considering all relevant aspects of the matter, I am inclined to release the applicants on anticipatory bail.

7. Accordingly, both the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with 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 him from disclosing such facts to the Court or to any police officer;
- (iii) the applicants shall not influence the witnesses during pendency of the trial.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi