

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 498 of 2015

Shiv Bhola S/o Aju Ram Sahu Aged About 19 years R/o Village Marda, Post Office Mardo, Police Station Kasdol, Revenue And Civil District Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh S/o Through: The Station House Officer, Police Station Kasdol, Civil And Revenue District Baloda Bazar-Bhatapara, Chhattisgarh

---- Non-applicant

MCRCA No. 500 of 2015

Ajuram Sahu S/o Shivcharan Sahu Aged About 50 years R/O Village Karda, Post Office Marda, (Police Chowki Lawan), Police Station Kasdol, Civil And Revenue District Baloda Bazar/ Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station Kasdol, Civil And Revenue District Baloda Bazar- Bhatapara, Chhattisgarh

---- Non-applicant

MCRCA No. 501 of 2015

Santosh Kumar S/O Anand Ram Sahu Aged About 30 years R/O Village Karda, Post Office Marda (Police Chowki Lawan), Police Station Kasdol, Revenue And Civil District Baloda Bazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station Kasdol, Civil And Revenue District Baloda Bazar- Bhatapara, Chhattisgarh

----Non-applicant

For Applicant/s	:	Shri J.R.Verma, Advocate.
For Non-applicant / State	:	Ms. Sunita Jain, Panel Lawyer.

Order On Board

02/07/2015

The aforesaid three bail applications are being disposed off by this common order as they arise out of the same crime number.

At the outset, learned counsel for the applicants seeks to withdraw application of **Santosh Kumar** with liberty to move application for grant of regular bail application. He prays that if regular bail application is moved, the Court below may be directed to decide his regular bail application on the same date.

In view of above, the application of **Santosh Kumar** is dismissed as withdrawn.

In case, regular bail application is moved, the same shall be decided by the Court below as early as possible.

The applicants in MCrC(A) No.498/15 and MCrC(A) No.500/15 are apprehending their arrest in connection with Crime No.57/2015 registered at Police Station – Kasdol, District- Baloda Bazar – Bhatapara, CG for alleged commission of offence under Section 147, 149, 186, 353, 332, 294, 336, 395 of IPC.

Case of the prosecution is that during conduct of the applicants, other persons entered the booth and nearby area and it is alleged that the public servant on duty was subjected to criminal force, assault and looted.

Learned counsel for the applicants submits that they have been subsequently falsely implicated though they were not present at the spot. Learned counsel for the applicants argued that the FIR lodged immediately after the incident their names are not mentioned. He further submits that on the next date of the incident, the written report was also submitted and in that written report also, the name of the applicants did not figure. Even at the time of filing charge-sheet by the police before the Magistrate, the charge-sheet specifically

did not contain the name of the applicants as one of the accused. The applicants is being involved on the basis of statements of so called eyewitnesses whose statements under Section 161 Cr.P.C. were recorded after almost one month of the incident. Therefore, false implication is there.

On the other hand, learned counsel for the State opposes prayer for grant of bail and submits that initially when the report was lodged, the police constable named, some of person having come along with some more persons and later on, the eyewitnesses whose statements were recorded has also named the applicants, therefore, in these circumstances, it is not a case of false implication.

Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that in the FIR lodged on the date of the incident and the written report lodged next date, name of the applicants did not figure and that implication of the applicants is based primarily on the basis of statements recorded after almost one month of the incident, the applications of **Shiv Bhola** and **Ajuram Sahu** are allowed.

It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicants shall make themselves available for interrogation by the police officer as and when required;
- (ii) the applicants 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;

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
JUDGE