

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 608 of 2015

- 1. Vikki @ Vijay Patel S/o Shri Rameshwar Patel Aged About 22 years Occupation- Student, R/o Village- Chhatadei, Tahsil & P.S.- Sarangarh, Civil & Revenue District- Raigarh, District- Raigarh, Chhattisgarh
- 2. Pramod Kumar Seth S/o Shri Harilal Seth Aged About 31 Years Occupation- Labourer, R/o Village- Chhatadei, Tahsil & P.S.- Sarangarh, Civil & Revenue District- Raigarh, District- Raigarh, Chhattisgarh
- 3. Shivdhar Sahu S/o Shri Kunjram Sahu Aged About 40 Years Occupation- Labourer, R/o Village- Chhatadei, Tahsil & P.S.- Sarangarh, Civil & Revenue District- Raigarh, District- Raigarh, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: Police Thana- Sarangarh, District- Raigarh, Chhattisgarh

---- Respondent

For Applicants	-	Ms. Sharmila Singhai, Advocate
For Respondent/State	-	Ms. Sunita Jain, Panel Lawyer

Order On Board

28/07/2015

Heard

The applicants are apprehending their arrest in connection with Crime No.93/2015 registered by Police Station- Sarangarh, District Raigarh (C.G.) for alleged commission of offence under Sections 452, 294, 323, 147, 506/34 of IPC.

- 2. Prosecution case is that the applicants and other accused entered the house of complainant Rajesh and assaulted him and his family members.
- 3. Learned counsel for the applicants submits that the applicants are being falsely implicated because of rivalry and enmity between two different groups of the village. It is submitted that the so called victim Munna, lodged FIR after the incident on 14.03.2015 and though, he named 7 persons as the assailants who entered his house, he did not mention the

name of the applicants. Later on, at the time, when the diary statement was recorded, with a view to implicate everyone belonging to other rival group, applicants' names have been stated for the first time.

4. On the other hand, learned counsel for the State opposes prayer by submitting that though initially in the FIR, the applicants were not named, later on, in the case diary statement of the complainant and other witness, the names of applicants have also been named as one of the assailant, who entered the house of the complainant.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that though the victim lodged FIR soon after the incident and named 7 persons, the applicants were not named and their names appeared only at the time when the case diary statement were recorded after 4 to 5 days, the application is allowed.

6. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, the applicants shall be released on bail 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 and the applicants shall abide by all the following terms and conditions-

- i. that they shall make themselves available for interrogation by a Police Officer as and when required;
- ii. that 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. that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava

J U D G E

Rekha