

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 656 of 2015

1. Rajesh Tamboli S/o Shri Bhagbali Tamboli Aged About 40 years R/o Village Chhatouna P.S. Hirri Tahsil Takhatpur Civil And Revenue District Bilaspur, Chhattisgarh
2. Om Prakash Nirmalkar S/o Shri Babulal Nirmalkar Aged About 30 Years R/o Village Chhatouna P.S. Hirri Tahsil Takhatpur Civil And Revenue District Bilaspur, Chhattisgarh
3. Bihari Sahu @ Ramesh Sahu S/o Shri Tiharu Sahu Aged About 40 Years R/o Village Chhatouna P.S. Hirri Tahsil Takhatpur Civil And Revenue District Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through its Police Station Incharge AJAK Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

Shri Suresh Kumar Pandey, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Order On Board

13/08/2015

Heard.

The applicants are apprehending their arrest in connection with Crime No.12/10 registered at police station – AJAK, Bilaspur (CG) for alleged commission of offence under Section 147, 148, 452, 323, 427 IPC and under Section 3(1) (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (In short “the Act of 1989”).

2. Prosecution case is that the incident which happened on 20/06/10 and 21/06/10, the applicants abused, intimidated and assaulted the complainants by trespassing in their house.

3. Learned counsel for the applicants submits that the report against the applicant is a counter blast to report earlier lodged on 21/06/10 by Bharat Kaushik in

the police station at 9 AM alleging assault by the complainants to applicants - Rajesh Tamboli and Bihari Sahu @ Ramesh Sahu. On this report, offence under Section 307 IPC was registered and accused have been convicted by the Trial Court. As far as the applicant -Omprakash Nirmalkar is concerned, there is no allegation that he was present at the time of incident dated 21/06/2010. The allegations are exaggerated as no specific injury is sustained by the complainants.

4. On the other hand, learned State counsel opposes the bail application and submits that according to the report, the applicants entered the house of the complainant, abused, intimidated and assaulted.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicants are not alleged to have played any role in the incident happened on 21/06/10 and that some of the members of the complainant party have been convicted for commission of offence under Section 307 IPC of having assaulted applicants - Rajesh Tamboli and Bihari Sahu, the application is allowed.

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

- (i) that the applicants 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 they 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
Judge