

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 964 of 2015

Abhishek Singh S/o Bhadeshwar Singh Aged About 27 Years R/o Quarter No. E-4/398, Arora Colony, Bhopal, At Present Residing At Vidhayak Niwas, Rampur, Vidhan Sabha Kshetra, Village Bhaisma, Police Station Urga, Tahsil & District Korba (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, Police Station - Kartala, District - Korba (Chhattisgarh).

---- Respondent

For Applicant	:	Ms. Samishti Soloman, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer

And

MCRCA No. 956 of 2015

Vicky @ Nand Kumar Singh Kanwar S/o Jamuna Singh Kanwar Aged About 28 Years R/o Village : Karmandi, Police Station Urga, Tahsil & District Korba Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through - Station House Officer, Police Station - Kartala, District Korba Chhattisgarh

---- Respondent

For Applicant	:	Shri Vimlesh Bajpai, Advocate
For Respondent/State	:	Shri Ashok Swarnkar, Panel Lawyer

Order On Board

29/09/2015

Heard.

1. MCRCA 964 & MCRCA 956 of 2015 are being deciding by this common order as the applicants in the above bail applications are apprehending their arrest in connection with Crime No.49 of 2014, registered in Police Station- Kartala, District- Korba, for alleged commission of offence under Sections 341, 294, 323, 506, 427, 147, 148, 149, 342, 365, 325, 392, 394, 395 & 397 IPC.

2. Case of the prosecution is that on 22/04/2014 at around 10:30 PM, the applicants along with other persons are said to have stopped the car in which the complainant - Tarun Mishra was travelling and along with the complainant, some more persons were also in their respective cars moving along with the car of the complainant, and that when the complainant reached Borbadi at Baniyapara (Korba), it is alleged that the present applicants and others had stopped / blocked the road and the movement, the complainant and one Shiv Jaiswal, who was in a car moving behind the car of the complainant, both came out of their car, it is said that present applicants and a large mob attacked the complainant's vehicle and the complainant and other persons with laathi, rod and club etc., causing injuries to the complainant and the other persons. It is alleged that subsequently, when the complainant had gone to the police station, there also the present applicants along with other persons are said to have used abusive, indecent and obscene language and had also threatened the complainant of dire consequences and have also threatened him of his life, on the basis of which, an FIR was lodged and the offences punishable under Sections 147, 148, 149, 294, 323, 324, 365, 395, 506 of IPC have been registered against the present applicant and other accused persons.
3. Learned counsel for the applicants submits that it is a case of sheer political vendetta and the complainant who is a staunch supporter of the ruling party in the State, has tried to malign the image of the present applicant and others so as to encash the same for the parliamentary election which was to be held immediately on the second day of the date of incident.

Learned counsel further submits that it is also a case where infact, the actual story was that the complainant and a group of people along with the complainant were distributing some materials in the local area on the penultimate date of canvassing i.e. on 22/04/14, and it is at that juncture, a large number of people / mob objected them from distributing the materials in lieu of votes and in between, there appears to have some scuffle taken place and, therefore, in order to get rid of the allegation of being caught distributing the materials to the local residents in lieu of votes, the complainant as a counter blast has filed a fake and false complaint against the applicants (who belongs to the opposite political party from that particular local area) as well as other persons.

Learned counsel for the applicants also submits that a plain reading of the FIR itself would show that the present applicants were not present at the place of incident where it is alleged that the complainant party were attacked by the mob lead by the present applicants and others.

4. The contents of FIR and the diary statements prima facie shows that as far as present applicants are concerned, their names have not been clearly specifically mentioned by the witnesses whose statements under Section 161 Cr.P.C. have been recorded. Moreover, applicant Abhishek Singh was earlier granted regular bail and later on, in view of registration of offence under Sections 392, 395 and 397 IPC by the police, present application for anticipatory bail has been moved on his behalf.

5. Taking into consideration the aforesaid circumstances of the case, I am inclined to allow the applications.

6. Accordingly, both the applications 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.25,000/- 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 him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

(Manindra Mohan Shrivastava)
Judge