

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C(A) No. 1077 of 2015

Rajesh Arrey S/o Vishwamitra Arrey Aged About 45 Years R/o
Dantewada P.S. - Dantewada District Dantewada Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through - Sho, P.S. Dantewada District -
Dantewada Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Praveen Das Advocate
For Respondent /State	:-	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

05/11/2015

1. Apprehending arrest in connection with Crime No. 120/2009 registered at Police Station- Dantewada, District -Dantewada (C.G.) for the offence punishable under Sections 294,394,506 (B) of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution story, on 21.12.2009 at about 0.15 hours, complainant Rahul Dubey was coming in a Bolero Jeep along with Maniram, Lakhan Thakur and Mahendra Singh, as they were going to attend the party of a ward members namely Rajesh Kashyap who was supported by BJP. When they saw Rajesh Kashyap who was standing on the road they alighted from the vehicle, thereafter they were talking to him. At that time, the applicant along with other persons namely Rajesh Kheri and J. Tirupathi came there and abused them. Subsequently, they followed the complainant party as

they were running away. Thereafter, Rahul Dubey was caught hold. He was threatened that since he was supporting the other party member in the election and he was assaulted and during such assault, Rajesh Kheri took away his mobile. The FIR was lodged in the year 2009.

3. Counsel for the applicant submits that it is an out and out dispute about ventilating the political vendetta. He further submits that due to political rivalry, a false report was made against the applicant and since the matter is of the year 2009, no case was even available as to the incident and during the election some altercation might have taken place but not beyond the extent. He further submits that the co-accused in the same crime namely Chhavindra Karma has also been granted bail this High Court in M.Cr.C. (A) No. 126/2014 on 21.02.2014.
4. Per contra, learned State counsel opposes the bail application. He submits that the incident is of the year 2009 but no charge sheet has been filed since the applicant could not be apprehended.
5. I have perused the case diary. The case diary also includes some statements of Rajesh Kumar Kashyap and Mani Ram Dubey which supports that they had stated on affidavit that nothing had happened on 21.02.2009. During the Nagar Panchayat Election, certain altercation took place between Rahul Dubey and the applicant.
6. Considering the total facts and circumstances and also keeping in view the fact that the other similarly placed person have already been released on anticipatory bail by this High Court in M.Cr.C. (A) No. 126/2014 on 21.02.2014, this Court is inclined to enlarge the applicant on anticipatory bail.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- 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 applicant shall make himself available for interrogation by a Police Officer as and when required.
- (ii) That he 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) That he shall not act in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) That he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(Goutam Bhaduri)
Judge