

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 383 of 2016

1. Hareesh Yadav S/o Late Ram Lakhan Yadav, Aged About 40 Years Permanent R/o House No. 78, Chandrika Housing Society Gulmohar Colony Bhopal, Madhya Pradesh. At Present R/o Dimrapur Chowk Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

2. Shyam Lal Yadav S/o Munna Ram Yadav Aged About 25 Years R/o Kukurgaon, Police Station Pathalgaon, Tehsil Pathalgaon, District Jashpur Nagar, Chhattisgarh, At Present R/o Dimrapur Chowk Raigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Bhupdeopur, District Raigarh, Chhattisgarh.

---- Respondent

For applicants – Shri S.S. Rajput, Advocate.
For Respondent/State –Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/04/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 34/2016 registered at Police Station Bhupdeopur, District Raigarh (C.G.) for offence punishable under Sections 341, 294, 323, 506 B, 326, 324, 34 of the Indian Penal Code.

2. As per the prosecution case a report was made by one Rajnish Singh Kushwaha that on 14/03/2016 while he was going to certain place, at that time both the applicants intercepted his way, thereafter assaulted the complainant by fist and blow and one of the applicants assaulted by way of knife. Thereby, offence is committed.

3. Learned counsel for the applicants submits that complaint was made by one Rajnish Singh Kushwaha who was entrusted with the work of maintenance of tower at the instance of Viyom Networks Limited and

Pace Power System was agency which was appointed by Viyom Networks Limited for maintenance of the tower. It is submitted that applicant No.1 joined company Viyom Networks Limited in the month of November, 2015 at Raigarh. It is submitted that the complainant Rajnish Singh Kushwaha who was working with Pace Power System his services were terminated because of defalcation in the duty and in his place applicant No.2 Shyam Lal Yadav was appointed. It is further submitted that before termination since certain notices were served, complainant has assaulted his superior officers along with other co-accused for which report was made by Surya Kumar on 3/03/2016 and the case was registered against the complainant and co-accused under Section 147, 341, 294, 506, 323 of IPC. It is stated that even after termination of the services complainant used to visit the mobile tower and used to disturb the working and disrupt the working of tower and as such he was served with the notice Annexure A-3 and on termination he was asked to hand over the equipment and the material which was in his possession. It was not being done and therefore again a report was made to the Superintendent of Police by the company against the complainant by Annexure A-5 which was given to the police on 8/03/2016. It is submitted that in order to avert such report and to put a pressure on the company i.e. Viyom Networks Limited and Pace Power System false and fabricated report is made. It is further submitted that if such reports are entertained, then in such case it is difficult to maintain and run any office, as it would be at the instance of the terminated employee. Learned counsel therefore submits that no case is made out against the applicants and they may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. I have perused the complaint which was made on 14/03/2016. Report is made that while the complainant was going from Raigarh to Kharsia, at that time both applicants came down and thereafter they assaulted by fist and at that time some other persons came and assault was made by knife. In subsequent statement name of the applicant No.2 is being stated that he assaulted by knife, though it is not in the FIR though initially applicants were named as stated that assault by hand and fist was attributed to the applicants. Improvement further shows was made in statement under 164 of Cr.P.C. Considering the nature of allegations and also considering the documents which are filed along with the petition and FIR also discloses that complainant was ex-employee who was terminated and reports were also made to cause assault to the superiors. Considering the nature of documents that the complainant also prior to the report the complainant assaulted his superior in the office and also disturbed all the mobile tower network. Considering the back ground and totality, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and 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 officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that 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/her 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) the applicants 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/-

(Goutam Bhaduri)

JUDGE