

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 497 of 2016

- J. Tirupati S/o Late J. Chandraiya Aged About 30 Years R/o Dantewada, Police Station Dantewada, District Dantewada, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Dantewada, District Dantewada, Chhattisgarh. ---- **Respondent**

For Applicant : Mr. Smt. Indira Tripathi, Advocate
For Respondent /State : Mr. Omprakash Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

01-07-2016

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 member 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 co-accused namely Rajesh Kheri and Rajesh Arrey came there, abused them and some scuffle took place on the ground that political support was given to the other party. Subsequently complainant Rahul Dubey was chased by co-accused and was threatened and assaulted on the ground he was supporting the other party members in the election. During such assault, Rajesh Kheri took away the mobile of the complainant.

3. Learned Counsel for the applicant submits that the dispute has arisen out of political vendetta as during Panchayat elections, some altercation took place between the parties, therefore, due to political rivalry, a false report was made against the applicant in the year 2009 and in the same crime, co-accused Rajesh Arrey has been granted anticipatory bail by this Court in M.Cr.C(A). No.1077 of 2015 and another accused namely Chhavindra Kumar has also been granted bail by this Court in M.Cr.C.(A). No.126/2014 on 21.02.2014.
4. Per contra, learned State counsel opposes the bail application. However, he does not dispute the fact that similarly placed co-accused Rajesh Arrey and Chhavindra Kumar have been granted anticipatory bail by this Court.
5. I have perused the case diary. The case diary also includes statements of Rajesh Kumar Kashyap and Mani Ram Dubey. A perusal of such statements prima facie show that during the Panchayat Election, certain altercations took place between the parties due to political rivalry which ultimately led to occurring the incident wherein

parties have made aspersions and dispersions against each other. The FIR was lodged way back in the year 2009.

6. Considering the totality of such facts and circumstances and the back ground of the case as also the fact that the other co-accused Rajesh Arrey has been granted anticipatory bail by this Court, I am inclined to enlarge the present 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.

Sd/-
(Goutam Bhaduri)
Judge