

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1360 of 2015

Bhupendra Rathore S/o Ravichandra Rathore Aged About 30 Years
Caste Rathore, R/o Gram Saragao, Police Station - Saragao, Tahsil -
Champa District Janjgir - Champa Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Through Police
Station Baradwar, District - Janjgir - Champa Chhattisgarh

---- Respondent

And

MCRCA No. 1361 of 2015

1. Kushal Rathore @ Ramkushal S/o Ramprashad Rathore, Aged
About 45 Years R/o Gram Saragao, Police Station Saragao, Tahsil
Champa, District Janjgir Champa (Chhattisgarh)

2. Jitendra Kumar Rathore S/o Bhaiyaram Rathore, Aged About 30
Years R/o Gram Saragao, Police Station Saragao, Tahsil Champa,
District Janjgir Champa (Chhattisgarh)

---- Applicants

Versus

State Of Chhattisgarh Through The District Magistrate, Through Police
Station Baradwar, District Janjgir Champa (Chhattisgarh)

---- Respondent

For applicants – Shri Mateen Siddiqui, Advocate.

For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

3/02/2016

1. Both these anticipatory bail applications are decided by this common
order as they are arising out of the same crime number.

2. These applications under Section 438 of Cr.P.C. have been filed by the
applicants apprehending their arrest in connection with Crime No. 352/2015,
registered at Police Station Baradwar (C.G.) for offence punishable under
Sections 353, 186, 332, 147, 148 of Indian Penal Code.

3. As per the prosecution case death of one Ramnivas Chandan took
place on 10/11/2015, at that time applicants reached there and caused
blockage of the road. Subsequently, when police came there, they agitated

and demanded compensation of Rs.50 lakhs for the deceased. Subsequently, the matter flared up and enticed the mob and the other villagers attacked the police who went to the spot.

4. Learned counsel for the applicants submits that applicants are in the employment and considering the gravity of the charges and the charge sheet filed, no further custodial interrogation may be required and way the offence has been committed, if applicants are arrested, they may lose their job which cannot be compensated. He further submits that other co-accused have been enlarged on bail by this court, therefore the applicants may be granted benefit of anticipatory bail.

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

6. I have perused the case diary and the statement. The incident has happened because of the road accident and death of one Ramnivas Chandan took place on 10/11/2015 and there was road blockage and when police party went to the spot to remove the blockage incident happened. Considered the statement of the witnesses wherein they have stated that mob was present in the spot, thereafter demand of compensation was made and it aggravated. Taking into account the role played by the applicants no custodial interrogation may be required. Considering the back ground of the case as it happened and the fact that applicants are in job, I am inclined to extend benefit of anticipatory bail to the applicants.

7. Accordingly, the anticipatory bail applications are 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 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

