

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 235 of 2016

1. Premranjan Rathiya S/o Sebal Rathiya, Aged About 19 Years, R/o Village Kurra, P.S. Lailunga, District- Raigarh Chhattisgarh.
2. Aditya Rathiya, S/o Dewat Rathiya, Aged About 20 Years, R/o Village Kurra, P.S. Lailunga, District Raigarh Chhattisgarh.
3. Gopal Bhuiya, S/o Bilaso Bhuiya, (Wrongly Mentioned Bhumiya In Cause titile of Court Below) Aged About 20 Years R/o Village Kurra, P.S. Lailunga, District Raigarh Chhattisgarh.
4. Tikeshwar Sai, S/o Krishna Lal, Aged About 39 Years, R/o Village Kurra, P.S. Lailunga, District Raigarh Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through the Station House Officer, Police Station
Lailunga, Civil and Revenue District Raigarh Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Manoj Jaiswal, Advocate
For Respondent/ State	:-	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15/03/2016

1. Apprehending arrest in connection with the Crime No. 152/2015, registered at Police Station- Lailunga District Raigarh (C.G.) for the offence punishable under sections 147, 353, 186, 332/34, 394, 506 B ,452/34 of Indian Penal Code and section 3(2) (a) Lok Sampatti Nivaran Adhiniyam 1984, the applicants have filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. As per the prosecution case in the even of accident occurred on 01.06.2015 at village Saraimuda when one person died, public gathered there and thereafter applicants along with other co-accused interfered with the government job and quarrel with police officers took place and thereby hurt was caused and life of the public servant were put to danger.

3. Counsel for the applicants submits that the applicants have been wrongly inculpated in this case. He further submits that neither they were present on the spot nor they have done anything. He further submits that the names of the applicants do not appears in the FIR since mob was present and the name of the applicants have wrongly been inserted, therefore, the applicants may be given the benefit of anticipatory bail.

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

5. Perused the FIR. Perusal of the FIR shows, the names of the applicants do not contain in the FIR, considering the nature of allegation as the mob caused disturbance falling an accident took place on the highway. Taking the degree of allegation and the fact that the applicants have not named in the FIR, this Court is of the opinion, that present is a fit case, where the applicant should be enlarged on anticipatory bail.

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 executing a personal bond in sum of Rs.25,000/- with one 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 them 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.

Sd/-

(Goutam Bhaduri)
JUDGE