

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 1167 of 2015**

Babulal Khalkho S/o Gandru Aged About 27 Years Occupation  
( Government Service ) Shikshakarmi Block Baramkela, Permanent  
R/o Village Panchayat Kurra, Block Lailunga, Civil And Revenue  
District District Raigarh ( Chhattisgarh )

**---- Applicant**

**Versus**

State Of Chhattisgarh Through The Station House Officer Police  
Station Lailunga Civil & Revenue District - Raigarh ( Chhattisgarh )

**---- Respondent**

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For applicant – Shri Manoj Jaiswal, Advocate.  
For Respondent/State – Shri Anil S. Pandey, G.A.

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order**

**2/02/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 152 of 2015, registered at Police Station Lailunga District Raigarh (C.G.) for offence punishable under Section 147, 353, 186, 332/34, 294, 506B, 452/34 of IPC and under Section 3(2) (a) Lok Sampatti Nivaran Adhiniyam 1984.
2. As per the prosecution case in the even of accident occurred on 1/06/2015 at village Saraimuda when one person died, public gathered there and thereafter applicant 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. Learned counsel for the applicant submits that applicant is a teacher and when he went to the spot, he was asked by the police officers to carry dead body of the person who died of the accident in the vehicle which was refused for which he was brutally assaulted by the police officers for which report was made published in the news paper. He relied

on the news paper cutting in which it is stated that teacher has been beaten. He further submits that name of the applicant has been falsely implicated and also FIR does not contain his name. He submits that other co-accused persons have been enlarged on bail by the coordinate bench of this court in M.Cr.C. No.4300/2015 and M.Cr.C. No. 3673/2015 on 25/08/2015, therefore the applicant may be granted benefit of anticipatory bail.

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

5. I have perused the case diary and the FIR do not contain name of this applicant, however the news paper cutting which is placed of 3<sup>rd</sup> June, 2015 wherein it is stated that teacher was beaten by the police when he refused to lift the dead body of the person in the vehicle who died of the accident and name of the applicant has been shown in the paper. Taking into such fact and also the fact that applicant has made a report to the SP which is part of this application, I am inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on 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 applicant shall also abide by the following conditions:-

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-  
(Goutam Bhaduri)  
JUDGE