

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 893 of 2016

- Narayan Chandra S/o Shivprasad Chandra Aged About 35 Years Occupation Cultivator, R/o Village Barbhatha (B), Police Station Kosir, Tahsil Sarangarh, Civil & Revenue District Raigarh, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station A J A K, Raigarh, Civil & Revenue District Raigarh, Chhattisgarh. --- **Respondent**

MCRCA No. 894 of 2016

- Khemraj Chandra S/o Late Budhau Chandra Aged About 55 Years Occupation Cultivator, R/o Village Barbhatha (B), Police Station Kosir, Tahsil Sarangarh, Civil & Revenue District Raigarh, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station A J A K, Raigarh, Civil & Revenue District Raigarh, Chhattisgarh. --- **Respondent**

MCRCA No. 895 of 2016

- Prahlad Chandra S/o Shivprasad Chandra Aged About 33 Years Occupation Cultivator, R/o Village Barbhatha (B), Police Station Kosir, Tahsil Sarangarh, Civil & Revenue District Raigarh, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station A J A K, Raigarh, Civil & Revenue District Raigarh, Chhattisgarh. --- **Respondent**

For the applicants : Mr. Janak Ram Verma, Advocate.
For the State : Mr. Anil S. Pandey, .Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.12.2016

1. Apprehending arrest in connection with Crime No. 21 of 2016 registered at Police Station Ajak, Raigarh, Distt. Raigarh (C.G) for the offences punishable under sections 294, 323/34 of IPC and section 3(1)(r),(s), 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicants have filed these applications u/s 438 of the Code of Criminal Procedure. Since all these applications are relating to the same crime number, they are being decided by this common order.
2. As per the prosecution case, a report was made by Lal Das Jangde on 18.07.2016 that when his brother Jhaduram went to get signature of Sarpanch on the caste certificate of his daughter, the husband of Sarpanch Keshar Bai Chandra i.e., accused applicant Narayan Chandra refused and thereafter again when he went to Sarpanch the accused/applicants assaulted Jhaduram for the reason that he has worked against him in the election and on account of such assault, Jhaduram sustained injuries.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case because of the reason that the complainant Jhadu Ram and others have encroached upon the land belonging to Gram Panchayat which was meant for construction of buildings of Kanjhi House, community health centre, Government Fair Price Shop etc. He further submits that the report was made on 14.07.2016 and immediately thereafter in order to counter the same, false allegations

have been levelled against the present applicants, therefore, they may be admitted to anticipatory bail.

4. Per contra, learned Govt. Advocate opposes the prayer for grant of bail.
5. Perused the case diary and documents. It appears that the injured was also medically examined on 18.07.2016. The FIR do not disclose the name of applicant Khemraj, however, it contains the names of other accused. Taking into the degree of allegations levelled against the applicants Narayan Chandra and Prahlad Chandra who were named in the FIR, I am not inclined to admit these applicants to anticipatory bail. Accordingly, the bail applications of Narayan Chandra and Prahlad Chandrai are rejected.
6. So far as it relates to applicant Khemraj Chandra, the FIR do not mention his name, therefore looking to the nature of allegations levelled against him, I am inclined to allow his bail application.
7. Accordingly, M.Cr.C(A). No.894/2016 filed by Khemraj Chandra is allowed and it is directed that in the event of arrest of the applicant Khemraj Chandra 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 surety in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that he shall make herself available for interrogation before the investigating 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/her from disclosing such facts to the Court or 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.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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