

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 919 of 2016

- Toran S/o Balaram Sahu Aged About 31 Years R/o Village Chaurenga, Police Station Simga, Civil & Revenue District Baloda Bazar-Bhatapara, Chhattisgarh.

--- Applicant

Versus

- State of Chhattisgarh through Police Station Simga, Civil & Revenue District Baloda Bazar Bhatapara, Chhattisgarh.

--- Respondent

For the applicant : Mr. Adil Minhaj, Advocate.
For the State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.12.2016

1. Apprehending arrest in connection with Crime No. 190 of 2004 registered at Police Station Simga, Distt. Baloda Bazar, Bhatapara (C.G) for the offences punishable u/ss 302, 147, 148, 294, 323, 506-B, 449 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 30.09.2014 the villagers protested against installation of Sponge Iron Plant at village Chauranga. However, it was supported by Narendra Kumar and Rajkumar. Therefore, the villagers agitated and on the said date they entered into the house of Narendra and Rajkumar and the mob assaulted them till their death.
3. Learned counsel for the applicant would submit that the applicant was not at all in the village at the time of incident and he was not being named and only on

presumption, he has been inculpated. He further submits that in trial, as many as 12 persons were tried and convicted by the trial Court and in Criminal Appeal being No.485/2006 preferred before the High Court, appellants Mohar Singh Verma, Chandra Kumar & Bhurwa Yadav were convicted whereas appellants Komal Singh Verma, Videsh Verma, Chamman Lal were acquitted. It is further submitted that the applicant was neither named by any witness nor his name was mentioned in the FIR and he was implicated only on the ground that he was absconding, therefore, he may be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary documents as also the statements of eye-witnesses Smt. Gayatri Bai and Smt. Anju Lata who are mother and sister of the deceased wherein the name of applicant did not find place. Further it appears that the FIR also do not mention the name of applicant.
6. Taking into totality of the facts and circumstances of the case, I am inclined to allow this bail application.
7. Accordingly, the 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 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 himself 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 will appear before the trial Court on each and every date given to him by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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