

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 752 of 2017

1. Hardev Chand Verma S/o B.R. Verma, Aged About 65 Years
Occupation Executive Director, Bhushan Steel And Power Limited,
R/o Bhushan Township, Thelkolai, Post Lapanga, Police Station
Thelkolai, District Sambalpur, Orissa.
2. Mohit Thaker S/o Dilip Kumar Thaker, Aged About 32 Years
Occupation General Manager, Bhushan Steel And Power Limited, R/o
Bhushan Township, Thelkolai, Post Lapanga, Police Station
Thelkolai, District Sambalpur, Orissa.
3. Prasan Kumar Pandey @ Teket Pandey, S/o Shyam Sundar Pandey,
Aged About 38 Years Occupation Senior Manager, Bhushan Steel
And Power Limitd, R/o Bhushan Township, Thelkolai, Post Lapanga,
Police Station Thelkolai, District Sambalpuri, Orissa. --- **Petitioners**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
City Kotwali, District Raigarh, Chhattisgarh. --- **Respondent**

For the applicants	:	Mr. Rajeev Shrivastava, Advocate
For the respondent	:	Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.12.2017

1. Apprehending arrest in connection with crime no.778/2016
registered at Police Station City Kotwali, Raigarh, Distt.
Raigarh (C.G) for the offence punishable u/ss 341, 342, 294,
323, 506, 384, 327/34 of IPC, the applicants have filed this
second bail application under section 438 of the Code of
Criminal Procedure. The first bail application was disposed of
by the coordinate Bench on 28.07.2017 without any
appreciation on its merits.
2. As per the prosecution, on 11.12.2016 a complaint was made
by Ripusudan Sao that his brother Ishwar Sahu and nephew
Sanjay Kumar Sao had gone to market in vehicle

No.C.G.13C/9831 and while they were returning from market, their vehicle dashed a vehicle bearing No.CRB No. OR 15 N/0005 which was going ahead of their vehicle. Thereafter 3 persons came out of the vehicle, stopped the vehicle of Ishwar Sahu and Sanjay Kumar Sao and demanded Rs.50,000/- for the damages caused to the vehicle and thereafter assaulted them. Subsequently the victims Ishwar and Sanjay Kumar were forcibly taken in the vehicle to Bhushan Steel Plant, Jharsuguda (Orissa) where they disclosed their names as Shishir Parida, Neeraj Samanta and Ramnaresh Rathore. Initially the statement of victim Ishwar Sahu was recorded on 12.12.2016 wherein the above 3 persons were named. Subsequently when the second statement was recorded on 04.01.2017 the present applicants were named as accomplice and they were also party to such abduction. As per the prosecution the police after intervention rescued the victims from the possession of the accused, thereby the offence has been committed.

3. Learned counsel for the applicants would submit that it is a case of simple road accident, the Initial statement was recorded on 12.12.2016 wherein the present applicants have not been named and the charge sheet was filed against Shishir Parida, Neeraj Samanta and Ramneresh Rathore and thereafter the supplementary charge sheet has been filed against the present applicants in order to resort to arm twist method as the present applicants were neither party to such abduction nor their names were initially disclosed by the complainant. It is further submitted that the charge sheet having been filed, no custodial interrogation may be required and taking into fact that the applicants are Executive

Managers of Bhushal Steel Plant wherein the other 3 accused were also working and since the present applicants have been falsely implicated, they may be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statements of Ishwar Prasad Sahu. His first statement was recorded on 12.12.2016 and the second statement was recorded on 04.01.2017. Likewise two separate statements of Sanjay Kumar Sahu were recorded. Considering the fact that initially the applicants were not named and the first statement also do not speak their names and in the subsequent statements their names were disclosed and further taking into the fact that the charge sheet has been filed and as stated further custodial interrogation is not required, I am inclined to extend the benefit of section 438 of Cr.P.C., to the applicants.
6. Accordingly, the 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/- each with one surety each in the like sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-
 - (i) that they shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that they 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 they shall not act in any manner which will be prejudicial to fair and expeditious trial; and

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

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE

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