

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA 827 of 2017**

1. Dhaniram Yadav, S/o S.N. Yadav, aged about 51 years, Occupation Advocate & Notary (District Session Court, Ambikapur).

2. Ajit Kumar Yadav S/o Dhaniram Yadav, Aged about 31 years

Both are R/o Namnakala, Ambikapur, District Surguja (C.G.).

---- Applicants

Versus

State of Chhattisgarh Through: Station House Officer, Kamleshwarpur, District Surguja (C.G.).

---- Respondent

For Applicants	:	Mr. C.J.K. Rao, Advocate
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order

24/11/2017

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. It is submitted by counsel for the applicants that the applicants are apprehending arrest in connection with Crime No. 8/2015, registered at Police Station- Kamleshwarpur, District- Surguja (C.G.) for the offence under Sections 186, 353 and 332 of IPC.
3. It is submitted by counsel for the applicants that the applicants have

been falsely implicated in the present case. Applicant No. 1 is an Advocate and is also a Notary. He was present on the spot of incident to assist the election process which was going on, and his son was also present along with him. They have not participated in the said incident, in which the complainant- Shankar Lal Sinha was assaulted and thrashed. The case has been investigated and the charge-sheet has been filed. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.

4. Counsel for the State opposes the bail application and submitted that there is clear and categorical evidence against the applicants that they have also participated in the incident. Hence, they are not entitled to grant of anticipatory bail.
5. Heard the counsel for both the parties and perused the case diary.
6. The facts of the case is that on the date of incident, the process for election of Up-sarpanch was going on at Panchayat Bhawan Narmadapur. On account of some dispute, the executive Magistrate, Shankar Lal Sinha was assaulted by some un-social elements and the persons present on spot. In the FIR lodged by the complainant, he named the applicants as assailants and because of which, they have been implicated in this case.
7. Considering the submissions made on behalf of the applicants and the contents of the case diary, particularly taking into consideration that the case has already been investigated and the charge-sheet has been filed, there is no requirement to arrest the applicants for the

purpose any investigation remaining to be conducted. It is for these reasons, the applicants deserve to be grant of anticipatory bail.

8. 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 personal bond in sum of Rs. 25,000/- each 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. that 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/-

(Rajendra Chandra Singh Samant)
Judge