

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1219 of 2016

1. Rohit Dwivedi . S/o Shri Laxmikant Dwivedi Aged About 25 Years
R/o Dhangardipa, Raigarh, Civil & Revenue District Raigarh,
Chhattisgarh.
2. Pankaj Dwivedi S/o Shri Ugrasen Dwivedi Aged About 25 Years
R/o Dhangardipa, Raigarh, Civil & Revenue District Raigarh,
Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station
Bhupdeopur, District Raigarh Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sachin Singh Rajput, Advocate
For Respondent/State	:	Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-02-2017

1. Apprehending arrest in connection with Crime No. 34 of 2016 registered at Police Station Bhupdeopur, District Raigarh (CG) for offence punishable under Sections 341, 294, 323, 506-B, 326, 324/34 of the IPC, the applicants have preferred the bail application under Section 438 of Cr.P.C., for grant of anticipatory bail.
2. As per case of the prosecution, a report was made one Rajnish Sing Kushwaha that on 14-3-2016 while he was going to certain place, at that time both the applicants intercepted his way, thereafter assaulted him by fist and blow and one of the applicants assaulted him by way of knife and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the complaint was made by Rajnish Singh Kushwaha who was entrusted with the work of maintenance of tower at the instance of Viyom Networks Limited and Pace Power Systems was agency which was appointed by Viyom networks Limited for maintenance of the tower. It is submitted that the applicants have been inculpated on the false ground as the service of Rajnish Singh Kushwaha who was working in Pace Power System was terminated because of defalcation in the duty and in his place one Shyamlal Yadav was appointed. It is further submitted that even after termination of the notice the complainant was causing disturbance in the network tower for which a report was made to Superintendent of Police and it is also stated that the report was made by one Surya Kumar on 3-3-2016 since he was assaulted a case was registered against the complainant. It is further submitted that in order to put pressure on the company i.e., Viyom Networks Limited and pace Power System, complainant made a false report and tried to blackmail the company. He referred to the documents filed and would submit that applicant No.2 Pankaj Dwivedi was in service in other company and he joined in Pace Power System Pvt. Ltd. As per document dated 22-4-2016 whereas the incident alleged is on 14-3-2016, therefore, considering the facts and circumstances of the case, applicants may be granted benefit of anticipatory bail.
4. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.

6. Perusal of the first information report would show that initially applicants were not named in the first information report and the statement of the complainant was recorded on 15-3-2016 wherein only names of two persons were highlighted. Subsequently, in supplementary statement in the month of September, the names of the present applicants have been mentioned that they assaulted the complainant along with other co-accused Hareesh Yadav. Perused the statement of Constable, who was present, which would show that scuffle took place between two persons. Also perused the statements of other witnesses who were present wherein presence of the present applicants is being doubted.
7. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the improvements in the statements, I am inclined to extend benefit of anticipatory bail to the applicants.
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 each of them executing a personal bond in the sum of Rs.25,000/- with one local surety 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 him/her 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) the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju