

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 87 of 2018

- Lav Kumar Raidu Alias Bablu Raidu, S/o. Shankar Rao, Aged about 36 years, R/o Ward No. 4, RadhaKirshna Ward, Bhairamgarh, District Baijapur (C.G.)

---- Applicant

Versus

- State of Chhattisgrah, Through Station House Officer, Police Station Bhairagarh, District- Bijapur (C.G.)

---- Non-applicant

For Applicant

:Mr.Kishore Bhaduri, Advocate with Shri
Pawan Kesharwani, Advocate.

For State

:Mr. Ashok Swarnkar, P. L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

06/04/2018

1. Heard.
2. Applicant has filed this bail application under Section 438 of the Cr.P.C. apprehending his arrest in connection with Crime No. 54/2017 Registered at Police Station- Bhairamgarh, District Bijapur (C.G.), for the offence punishable under Sections 294, 307, 147, 332, 353, 394, 427 of IPC and Section 04 of Prevention of Damage to Public Property Act.
3. Learned counsel for applicant submits, that applicant has been falsely implicated in this case only for the reason that he was a member of a political party, which is in opposition. He further submits that applicant has been deliberately and intentionally named in the FIR, for the reason that he was with main-accused namely Ajay Singh, where bail

application has been admitted by the trial Court. No case is made out against the applicant, according to the material present in the case. Hence, it is prayed that applicant be extended the benefit of Section 438 of the Code of Criminal Procedure.

4. On the other hand, learned State counsel opposes the bail application and submits that there is ample evidence against the applicant about his involvement in crime in question, hence he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. On the date of incident complainant- Jaimangal Singh Parihar, Municipal Officer, Bhopalpattnam was traveling in the official vehicle driven by his driver Rafiq Khan, by which accident had occurred in which one child got injured. Main accused Ajay Singh and other co-accused persons arrived on the place of occurrence and the main accused namely Ajay Singh and others, by using filthy language, threatened and assaulted the complainant, as a result of which complainant suffered various injuries in his person, and accused Ajay Singh alongwith others burnt the official vehicle of complainant by pouring petrol over it. It is alleged that the driver and the complainant were also forced to get inside the vehicle for the purpose that they got burnt inside the vehicle. Thus, attempt was made to cause their death. Only allegation against the applicant is that, he was in company of the main accused at the time of incident when the incident took place. Main accused Ajay Singh called him by his name and asked him to burn the vehicle. According to the FIR, cash amount and other documents that were present in the possession of complainant was also looted by the main accused Ajay Singh and other co-accused

persons.

7. Considering the main role played in this case by main accused Ajay Singh; and according to the statement of witnesses, there is no specific allegations against this applicant except this that on the date of incident he was with the main accused namely Ajay Singh. Thus, this Court is of view that the applicant should be extended the benefit of Section 438 of the Cr.P.C.
8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she 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 concerned trial Court. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

