

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 117 of 2018

1. Kewal Singh S/o Talam Singh Aged About 38 Years R/o Village Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
2. Babhadra Singh S/o Shri Sukhsingh Aged About 57 Years R/o Village Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
3. Jeevan Singh S/o Shri Pawan Singh Aged About 47 Years R/o Village Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
4. Sushila W/o Shri Garun Singh Aged About 50 Years R/o Village Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
5. Pushpendra Singh S/o Shri Pawan Singh Aged About 30 Years R/o Village Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
6. Sodhan Das S/o Shri Mukut Das Aged About 52 Years R/o Village Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
7. Sukhdev @ Sukderam S/o Shri Khoraram Aged About 58 Years R/o Village Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
8. Chamar Singh S/o Shri Pirit Ram Aged About 49 Years R/o Village Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
9. Shanichar Das S/o Shri Paklu Das Aged About 72 Years R/o Village Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
10. Mansingh S/o Shri Ram Prasad Aged About 65 Years R/o Village

Kewali, Police Chowki Jobi, Police Station Kharsia, District Raigarh
Chhattisgarh, Chhattisgarh

11. Jaldev S/o Shri Sumitram Aged About 47 Years R/o Village Kewali,
Police Chowki Jobi, Police Station Kharsia, District Raigarh
Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants

Versus

1. State Of Chhattisgarh Through The S. H. O. Of Police Chowki Jobi,
Police Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh,
Chhattisgarh
2. Trilochan Das S/o R/o Village Kewali, Police Chowki Jobi, Police
Station Kharsia, District Raigarh Chhattisgarh, District : Raigarh,
Chhattisgarh

---- Respondent

For Applicant	:	Mr. Abhishek Saraf, Advocate.
For Respondent	:	Mr. Anupam Dubey, Panel Lawyer.
For Objector	:	Mr. Manoj Jaiswal, Advocate.

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

13/07/2018

1. The applicant has preferred this bail application under Section 438 of
Cr.P.C. apprehending his arrest in connection with Crime No.634/2017
registered at Police Station- Kharsia, District – Raigarh(C.G.), for the
offence punishable under Sections 420, 463, 468, 471/34 of the Indian
Penal Code.

2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The allegation made by the complainant against these applicants is totally false. The proposal that was accepted by the Gram Sabha of which the applicants are the members is bonafide and the same has been infact manipulated by the complainant himself. Hence, it is prayed that these applicants be granted anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence against all the applicants regarding commission of offence, hence, no case is made out for grant of anticipatory bail.
4. Learned counsel for Objector adopts the arguments of the State and submits that the meeting which was held in Gram Sabha the complainant was also present but in his presence some other proposals were brought and accepted by the Gram Sabha regarding which the complainant had appended his signature on the register of proposal. When the complainant left the place, the proposals were manipulated and a proposal for removal of the complainant from the post of 'Kotwar' was also added in the register and signature of the complainant was concealed by putting thumb impression of some other person over it. Hence, looking to the manner in which the offence has been committed the application is liable to be rejected.
5. Heard both the parties and perused the case diary.
6. The case against this has been briefly discussed herein above. The investigation is still going on and manipulation has been done by which of the parties herein is yet to be determined, therefore, I am of this opinion that this is a fit case where the applicants should be benefited

with grant of anticipatory bail.

7. 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 their executing a personal bond in the sum of Rs.25,000/- each with one 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) that 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge