

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 468 of 2017**

1. Lalit Sahu S/o Chaitram Sahu Aged About 30 Years R/o Sahu Sadar, Village- Kachna, Post- Saddu, Police Station- Vidhansabha, Raipur, District- Raipur, Chhattisgarh, Chhattisgarh
2. Uttam Banjare S/o Santram Banjare Aged About 35 Years R/o Village- Tedesara, Police Station Somni, Tahsil And District- Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station Tilda, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicants : Shri S.C. Verma, Advocate.
 For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.02.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 263 of 2016 registered at Police Station – Tilda - Nevra, District – Raipur, Chhattisgarh for the offences punishable under Sections 294, 427, 452 and 506 of the Indian Penal Code.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in this case. The applicants were not present on the spot and as such, no case is made out against the applicants. The main accused in this case has already been granted bail by the trial Court itself and the investigation has been completed. Hence, there is no requirement to keep the applicants in custody. Therefore, it is prayed that the applicant deserves to be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that named FIR has been lodged against Amit Baghel and others and the name of these applicants has appeared in the statement of witnesses under Section 161 of the Cr.P.C. Hence, it is prayed that the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. On the date of incident, Amit Baghel and others entered into the premises of Bajrang Power and Steel Corporation, claiming themselves as labour leaders and on account of death of some labour in the said factory all of them engaged in mischief and caused damage to the various articles inside the premises of the factory to the tune of Rs.80,000/-.

7. Considering the submissions and the contents of the case-diary, as there is no named FIR against these applicants and their names have

appeared for the first time in the statement under Section 161 of the Cr.P.C., I am of the considered view that the present is a fit case where the applicants should be benefited with 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 a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They 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