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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A). No. 962 of 2017**

1. Rajesh Agrawal S/o Ghanshyam Das Agrawal, Aged About 44 Years
R/o Chhaprigang, Kharsiya, Tahsil Kharsiya, District Raigarh
Chhattisgarh., Chhattisgarh
2. Ashish Agrawal, S/o Shyam Lal Agrawal, Aged About 34 Years, Both
R/o Near Subhash Chowk, Kharsiya, Tahsil Kharsiya, District :
Raigarh, Chhattisgarh
3. Sunil Agrawal, S/o Late Ramchandra Agrawal, Aged About 30 Years
R/o Chhaprigang, Kharsiya, Tahsil Kharsiya, District Raigarh
Chhattisgarh., District : Raigarh, Chhattisgarh

----Applicants**Versus**

- State Of Chhattisgarh Through Police Station Kharsiya, District
Raigarh Chhattisgarh., Chhattisgarh.

---- Respondent**And****M.Cr.C.(A). No. 978 of 2017**

1. Ankur Agrawal S/o Kailash Chand Agrawal, Aged About 30 Years R/o
Naya Bus Stand Road, Kharsiya, Tahsil And Thana Kharsiya, District
Raigarh Chhattisgarh., Chhattisgarh
2. Jaikishan Agrawal, S/o Vishnu Prasad Agrawal, Aged About 40 Years
R/o Station Road, Kharsiya, Tahsil And Thana Kharsiya, District
Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
3. Anand Agrawal S/o Shyam Sundar Agrawal, Aged About 42 Years R/o
Mahuapali Road, Kharsiya, Tahsil And Thana Kharsiya, District
Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

4. Anil Agrawal @ Kukku, S/o Late Ganesh Prasad Agrawal, Aged About 48 Years R/o Mahuapali Road, Kharsiya, Tahsil And Thana Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
5. Kamal Sharma S/o Vishnu Sharma, Aged About 35 Years R/o Mahuapali Road, Kharsiya, Tahsil And Thana Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
6. Mahesh Sharma S/o Rajkeshore Sharma, Aged About 35 Years R/o Behind Of Gunj, Kharsiya, Tahsil And Thana Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
7. Rupesh Saraf S/o Shri Sampat Saraf Aged About 32 Years R/o Dabhara Road, Kharsiya, Tahsil And Thana Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
8. Rishabh Garg S/o Bajrang Garg, Aged About 23 Years R/o Behind Of Gunj, Kharsiya, Tahsil And Thana Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Kharsiya, District Raigarh Chhattisgarh., Chhattisgarh

---- Respondent

And

M.Cr.C.(A). No. 1102 of 2017

- Vikash @ Jyoti Agrawal S/o Dindayal Agrawal, Aged About 40 Years Occupation Business, R/o Gurudwara Road, Kharsiya, Tahsil And Thana Kharsiya, District Raigarh Chhattisgarh., Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kharsiya, District Raigarh Chhattisgarh., Chhattisgarh.

---- Respondent

For the Applicants : Ms. Sharmila Singhai
& Mr. Sanjay Agrawal,
Advocates.

For the Respondent/State : Shri Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02.02.2018

1. Both the applications are heard and decided together by this common, order, as both the anticipatory bail applications are arising out the same crime number and offences.
2. Apprehending arrest in connection with Crime No. 391/2017 registered at Police Station – Kharsiya, District - Raigarh (C.G), for the offences under Sections 147, 148, 149, 294, 506, 457, 354, 323, 427, of the Indian Penal Code, the applicants have preferred this applications for grant of anticipatory bail.
3. Learned counsel for the applicants submits, that the applicants have been falsely implicated in this case. Complainant - (Savitri Naidu) has lodged FIR against these applicants as a counter blast to the FIR that have been lodged against Kamlesh Naidu son of the complainant. In one of the cases the applicants Rajesh Agrawal is informant. One case has also been registered by police official against Kamlesh Naidu for assault committed to the Police Officer during the

performance of the duties. On the basis of FIR lodged by Rajesh Agrawal the case has been registered against Kamlesh Naidu and others, and in that counter case all the co- accused persons have been granted bail by the Sessions Court, therefore, it is prayed that the applicants may also be enlarged on anticipatory bail.

4. Learned counsel for the State opposes the bail applications and submits, that the evidence of witnesses is available against these applicants, in which they have made clear allegation of commission of offences by the applicants, hence, none of the applicants are entitled for grant of anticipatory bail.
5. Heard counsel for both the parties and perused the case diary.
6. According to the documents submitted, it shows that 04 criminal cases were registered against the son of this complainant regarding the incident that has taken place on the same date i.e., 03.09.2017 and in one of the case the applicant – Rajesh Agrawal is the complainant.
7. Considering the submission, contents of the case diary and also the documents submitted alongwith the applications, this Court is of the opinion that this is a fit case, where the applicants in all the cases are entitled for grant of anticipatory bail.
8. Consequently, all the anticipatory bail applications M.Cr.C. No. 962 of 2017, M.Cr.C. No.978 of 2017 and M.Cr.C. No. 1102 of 2017, filed under Section 438 of the Cr.P.C. are hereby allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offences, they shall be released on bail by the officer arresting on each of them executing a personal bond in sum of

Rs.25,000/- 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 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 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