

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1170 of 2017**

1. Likeshwar Yadav, S/o. Janak Ram Yadav, Aged About 27 Years, R/o. Village Mohmela, Post Chikhli, Tahsil and P. S. Arang, District Raipur Chhattisgarh.
2. Dinesh Chandrakar, S/o. Late Bhuvan Lal Chandrakar, Aged About 47 Years,
3. Rajendra Chandrakar, S/o. Late Bisouha Chandrakar, Aged About 42 Years,

No.2 and 3 are R/o. Village Kutela, Post Chikhli, Tahsil and P. S. Arang, District Raipur Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Arang, District -Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Hamida Siddiqui, Advocate
For Respondent/State	: Mr. Aaditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/03/2018**

1. Apprehending arrest in connection with Crime No.424/2017, registered at Police Station – Arang, District – Raipur (C.G.) for offence punishable under Section 294, 506, 323, 147, 148, 149, 427, 325, 326 & 307 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. Name of the applicants does not find mentioned in the FIR lodged by the complainant. Subsequent to that some names have appeared in the statement given by the witness, which is deliberate and concocted with purpose to implicate these applicants. Applicants had no role to play in the said commission of crime. Therefore, it is prayed that the applicants be granted anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that there is sufficient evidence and in the investigation there may be the requirement of these applicants for interrogation during investigation, hence no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Facts of the case are these that on 11.10.2017 at about 8.30 PM, the MLA of the constituency visited the village Kutela to inspect cleanliness and success of ODS scheme. After the MLA left, all the persons from the applicants' party used abusive words for MLA because of which, complainant – Sanjay Chandrakar raised objection, it was at that time it is alleged that applicants and numerous other persons gathered on the spot using abusive and obscene words, armed with rods and clubs, who assaulted Mohan Lal Chandrakar and others. It is reported that Mohan Lal Chandrakar received grievous injury having suffered head injury. Hence, this case.

6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the charge-sheet. Contention of the counsel for the applicant is that incident had been a free-fight as one FIR has lodged from the applicants side also on that basis counter case has been registered against this complainant Sanjay Chandrakar and 19 others and the accused persons in the counter case have been granted bail by the trial Court itself. Taking into consideration the totality of this case for the reason that name of one of the applicant has appeared later on after the lodging of FIR, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram