

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 371 of 2018

1. Arun Bansal S/o Tetku Bansal, Aged About 55 Years, R/o- Village Karhi (Devri), P.S. City Kotwali, Mungeli, Tahsil And District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
2. Jhugut S/o Kunwar Singh Satnami, Aged About 62 Years, R/o- Village Karhi (Devri), P.S. City Kotwali, Mungeli, Tahsil And District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
3. Nirmal @ Juthel Sahu S/o Bantaram Sahu, Aged About 35 Years, R/o- Village Karhi (Devri), P.S. City Kotwali, Mungeli, Tahsil And District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station- City Kotwali, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicants – Ms. Sangeeta Mishra, Advocate.

For Non-applicant/State – Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2018

1. Apprehending arrest in connection with Crime No.14/2018, registered at Police Station – City Kotwali, District- Mungeli, Chhattisgarh for offence punishable under Section 379, 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. All the applicants are employed as labourer by Deepak Mishra. There is dispute regarding the land in question between Deepak Mishra and Ramesh Dewangan, regarding which a proceeding is going on before the revenue court. These applicants have not done any work intentionally, they have simply followed instructions of Deepak Mishra and no offence has been committed by them. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the case against these applicants, it is alleged that these applicants have stolen 15 bags of paddy from the disputed agricultural land regarding which the proceeding under Section 145 of the Cr.P.C. is going on before the Court of SDM, Mungeli.

6. Copy of Istgasa No.1/2017 under Section 145 of the Cr.P.C. produced before the Court of SDM, Mungeli has been attached with the application, which shows that there is dispute regarding possession of agricultural land in question between one Deepak Mishra and Ramesh Dewangan. Name of these applicants appeared as witnesses in Istgasa with Deepak Mishra, which supports this statement made by the applicants that they are employed labourers of the Deepak Mishra. Hence, after due consideration and looking to this fact that these applicants being employed as labourer had no personal interest in taking away the paddy from the field, I am of this view that they should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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 each of them 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge