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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 440 of 2018**

Gyani Yadav S/o Late Shri Jagrupan Yadav Aged About 73 Years R/o-
Village Sapnadhara, P.S. Kamleshwarpur, District- Surguja, Chhattisgarh.,
District : Surguja (Ambikapur), Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- The Station House Officer, P.S. Batouli,
District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.

---- Respondent

For the Applicants : Shri Jitendra Shrivastava, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****12.07.2018**

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 applicant who is apprehending arrest in connection with Crime No. 22 of 2012, registered at Police Station – Batouli, District – Surguja, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 307, 325 and 323 of the Indian Penal Code and Sections 3(2-5) and 3(1-10) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Name of the applicant has not appeared in

the FIR and also the witnesses who have given the statement have stated that the applicant was only present on the spot, which shows that he was present as one spectator. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

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

6. According to the prosecution case, on the date of incident, the land that was in possession of the applicant was being measured by the forest officials and some other village persons. It was at that time, the other named co-accused persons and number of other villagers intervened in the measurement process and assaulted the persons present there and in the said incident four persons were injured.

7. Considering the material present in the case-diary and the statements of the witnesses, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application of the applicant is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him 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 applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant 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 applicant 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 him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge