

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 496 of 2018

- Khemichand Sahu S/o Dayaram Sahu Aged About 36 Years R/o Village Mohmela, Police Station Arang, Tahsil Arang, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mrs. Hamida Siddiqui, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/07/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.424/2017 registered at Police Station- Arang, District – Raipur(C.G.), for the offence punishable under Section 294, 506, 323, 147, 148, 149, 427, 325, 326 & 307 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The applicant was simply present in the gathering, in which, the incident of assaulting, abusing and threatening took place all of sudden in which this applicant was

not a participant. Similarly placed number of co-accused persons have been granted anticipatory bail, hence, it is prayed that he may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that in the statement of the witnesses name of this applicant is mentioned as being present at the time of incident, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to the case of prosecution against this applicant and the other co-accused persons, on the date of incident after the visit of MLA in Village-Kutela, some dispute arose between the supporters of MLA and the persons opposing him, in which, unlawful assembly was constituted of the person present, who abused threatened and have been assaulted and caused injury to Mohan Lal Chandrakar and others regarding which FIR has been lodged. Apart from the fact of presence of this applicant on the spot in the incident, there does not appear to be any specific mention about his participation in the commission of crime. Hence, this case.
6. After due consideration on all the material present in the case diary, I am of this view that this is a fit case where applicant should be benefited with grant of anticipatory bail.
7. 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, he shall be released on bail by the officer arresting him on his executing a personal bond in the 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 him/her 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge