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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 501 of 2018

- Sonu Bhadauriya S/o B.S. Bhadauriya, Aged About 43 Years, R/o Akaswani Road, Nayapara, Police Station Kotwali District Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Nagarnar, Jagdalpur, District Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

MCRCA No. 509 of 2018

- Jaydeep Singh Bhadauriya S/o Late Dheeraj Singh Bhadauriya, Aged About 36 Years, R/o Akaswani Road, Nayapara, Police Station Kotwali, District Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Nagarnar, Jagdalpur, District Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

MCRCA No. 545 of 2018

- Shakti Singh Chouhan S/o Vijaypal Singh Chouhan, Aged About 52 Years, R/o Shantinagar Ward, Police Station Bodhghat, Jagdalpur District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Nagarnar, Jagdalpur District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

MCRCA No. 571 of 2018

- Banti Sengar @ Munendra Singh @ Banti Rajput S/o Jaisingh, Aged About 41 Years, R/o- Shanti Nager Ward, Jagdalpur, P.S. Bodhghat, Jagdalpur, District- Baster, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Nagarnar, Jagdalpur, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

MCRCA No. 581 of 2018

- Sanjay Gupta S/o Late Shri Sitaram Gupta, Aged About 35 Years, R/o- Village- Chaandli, P.S.- Kotpaad (Orissa), Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Nagarnar, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

MCRCA No. 589 of 2018

- Ambrish Singh S/o Ranveer Singh, Aged About 40 Years, R/o Purani Basti Road, Dandeshwari Ward P.S. Jagdalpur, District Jagdalpur Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Nagarnar, District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

MCRCA No. 643 of 2018

- Chhotu Chouhan @ Upendra Singh Chouhan S/o Vijaypal Singh Chouhan, Aged About 42 Years, Resident Of Shanti Nagar Ward, Police Station Bodhghat, District Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Nagarnar, Jagdalpur, District Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Non-applicant

For Applicants – Shri V.R. Tiwari, Advocate (in MCRCA No.501/2018, MCRCA No.509/2018, MCRCA No.581/2018 and MCRCA No.545/2018),
Shri T.K. Jha, Advocate (in MCRCA No.643/2018),
Shri Pushpendra Singh Baghel, Advocate (in MCRCA No.571/2018 and MCRCA No.589/2018)
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.
Shri Ashish Surana, Advocate for objector (in MCRCA No.571/2018 and MCRCA No.589/2018).

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

12-07-2018

1. As these seven MCRCA arise out of the same crime number, i.e. Crime No.104/2017, registered at Police Station Nagarnar, Jagdalpur, District Bastar,

Chhattisgarh for the offence under Section 147, 148, 149, 341, 447, 294, 506(B), 307, 212, 427 of the IPC and Section 25, 27 of the Arms Act, they are being decided by this common order.

2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. The complainant/injured in this incident has no any such injury so as to hold offence under Section 307 of the IPC against the applicants and the accused, in fact, there had been a case of free fight in which the persons of accused side have also suffered injuries and were hospitalized. Charge sheet has been filed in this case showing the applicants as absconder. Further, the doctor who conducted the MLC has also been examined before the trial Court who has given statement that no fatal injury has been caused to any of the injured persons in this case. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that all these applicants have been declared absconder by the Court, hence, in view of the judgment of Hon'ble the Supreme Court in the matter of **State of M.P. v. Pradeep Sharma**, (2014) 2 SCC 171, none of the applicants is entitled for grant of anticipatory bail, hence, the applications may be rejected.

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

6. The case against the applicants and other co-accused persons is this, the applicants were in company of other accused persons Shakti Singh Chouhan, Malkit Singh, Harpinder Singh etc. when the vehicle of complainant Sailendra Bhadouriya was stopped. Thereafter, the complainant was abused, threatened and assaulted with rods, sharp edged weapons and illegal firearms

etc., in this assault complainant himself and other persons in his company namely Srinivas Rao, Basant Kumar, Dharendra Singh, Sourabh Mandal and Manish Parakh were also injured. Hence, this case.

7. Considered on the material present in the case diary. Similarly placed co-accused Sheshnarayan Dwivedi, Sanjay Pathak have been granted anticipatory bail and other persons have been granted regular bail. Hence, for this reason alone, I am of this view that these applicants should be benefited with grant of anticipatory bail.

8. Consequently, all these anticipatory bail applications are allowed. It is directed that in the event of arrest of these 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge