

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 642 of 2018

1. Pappu @ Lokesh Kumar Sarwa Bhuvan Lal Sarwa, Aged About 22 Years Caste Teli, R/o Village Parsuli, P. S. Devri, District : Balod, Chhattisgarh
 2. Digendra Sinha, Prakash Sinha, Aged About 18 Years Caste Kalar, R/o Village Parsuli, P. S. Devri, District : Balod, Chhattisgarh
 3. Prakash Sinha, Dhelu Ram Sinha, Aged About 45 Years Caste-Kalar, R/o Village Parsuli, P. S. Devri, District : Balod, Chhattisgarh
 4. Vasudev Sinha, Bodhi Ram Sinha, Aged About 60 Years Caste Kalar, R/o Village Parsuli, P. S. Devri, District : Balod, Chhattisgarh
 5. Hem Lal Sahu, Koushal Singh Sahu, Aged About 27 Years Caste Teli, R/o Village Parsuli, P. S. Devri, District : Balod, Chhattisgarh
 6. Ghanshyam Singh Sonkar, Ghurau Ram Sonkar, Aged About 33 Years R/o Village Parsuli, P. S. Devri, District : Balod, Chhattisgarh
- Petitioners**

Versus

State of Chhattisgarh through the Station House Officer, Police Station- Devri, District Balod, Chhattisgarh., District : Balod, Chhattisgarh

--- Respondent

For the applicants	: Mr. Hamida Siddiqui, Advocate.
For the State	: Mr. Suryakant Mishra, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.07.2018

1. Apprehending arrest in connection with Crime No. 15/2018 of registered at Police Station Devri, District Balod (C.G) for the offences punishable u/ss 147, 148, 186, 353 & 332/34 of IPC, the applicants have filed this application u/s 438 of the Code of Criminal Procedure.

2. As per the prosecution case, an accident took place wherein one person died which resulted into provocation of villagers. It is alleged that the present applicants who were part of the violent mob have also attacked the police officer Anant Soni by pelting stones thereby he sustained injury.
3. Learned counsel for the applicant would submit that only on general omnibus allegations, the applicants have been inculpated and the presence of the applicants might have been there on the spot for the reason that some accident occurred in which a person died and they might have gathered to express their sympathy to the family members of deceased, therefore, the applicants have not committed any offence. She further submits that under the circumstances no purpose will be served to send them to jail and considering the nature of offence no custodial interrogation is necessary.
4. Per contra, learned State Counsel opposes the prayer.
5. On perusal of the case diary, it appears that due to accident occurred, the public gathered there and the road was blocked.
6. Considering the omnibus general allegations and the background of the place where the incident happened, I am inclined to admit the applicants to anticipatory bail.
7. Accordingly, the application is allowed and 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 officer arresting them or the concerned Investigating Officer.

8. The 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 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.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE