

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4504 of 2018

- Ashish Thakur S/o Ramsharan Thakur Aged About 42 Years R/o- Village- Mahewa, Police Chowki- Wadrfnagar, P.S.- Basantpur, District- Balrampur, Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Basantpur, District- Balrampur Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

&

MCRCA No. 397 of 2018

1. Adarsh Patel S/o Anjani Patel Aged About 20 Years R/o Village Pashupatipur, Police Chauki Wadrafnagar, P. S. Basantpur, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh
2. Suresh S/o Krishna Prasad Jaiswal Aged About 34 Years R/o Village Lodhi, Police Chauki Wadrafnagar, P. S. Basantpur, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh
3. Saleem S/o Samsudeen Aged About 35 Years R/o Village Ramnagar, Police Chauki Wadrafnagar, P. S. Basantpur, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh
4. Laxman Prasad S/o Anturam Aged About 50 Years R/o Village Mahewa, Police Chauki Wadrafnagar, P. S. Basantpur, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

5. Basant Lal S/o Bigan Aged About 25 Years R/o Village Ramnagar, Police Chauki Wadrafnagar, P. S. Basantpur, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P. S. Basantpur, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Akath Kumar Yadav, Advocate.
For Respondent/ State	:	Mr. Vinod Tekam, Panel Lawyer.

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

10/07/2018

1. Since the above bail applications are similar in nature and arise out of the same crime numbers and same chain of incidents, they are being heard and decided together by this common order.
2. Applicants Adarsh Patel, Suresh, Saleem, Laxman Prasad & Basant Lal have filed M.Cr.C.(A) No.397/2018 seeking anticipatory bail as they apprehend their arrest in connection with Crime No.63/2017 registered at Police Station-Basantpur, District-Balrampur-Ramanujganj for the offence punishable under Sections 147, 148, 353, 506, 332, 323, 186 & 427 Indian Penal Code (for short 'IPC').
3. Applicant Ashish Thakur has filed M.Cr.C. No.4504/2018 seeking regular bail as he has been arrested in connection with Crime No.63/2017 registered at Police Station- Basantpur, District-Balrampur-

Ramanujganj for the offence punishable under Sections 147, 148, 353, 506, 332, 323 & 186 Indian Penal Code (for short 'IPC').

4. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant in M.Cr.C. No.4504/2018 is in jail since 25.5.2018. The allegation is mainly against accused Rajesh Biyar. These applicants were present only as spectators and have not participated in the alleged commission of crime. Similarly placed co-accused persons namely- Ku. Kiran has been granted anticipatory bail and Santosh Gupta & Rajesh Biyar have been granted regular bail by the co-ordinate Benches of this Court. Hence, it is prayed that they may be enlarged on regular/anticipatory bail.
5. Learned State counsel opposes the bail application and submissions made in this respect.
6. Heard both the parties and perused the case diary.
7. According to prosecution case, on the date of incident the Officer of Revenue Department were present on the spot for the purpose of removal of encroachment of the Government land. It is alleged that at that time, the main accused Rajesh Biyar and these applicants along with other co-accused persons assaulted and injured the Revenue Officers, hence, on that basis the case has been registered against all of them.
8. Considering the entire material present in the case diary, looking to this

fact that the similarly placed co-accused persons have been benefited with grant of regular/anticipatory bail by the co-ordinate Benches of this Court. Hence, I am of this opinion that these applicants also deserve to be grant of regular/anticipatory bail on the ground of parity.

9. Accordingly, the anticipatory bail application filed on behalf of applicants Adarsh Patel, Suresh, Saleem, Laxman Prasad & Basant Lal M.Cr.C(A) Nos.397/2018 is allowed and it is directed that in the event of their arrest in connection with the aforesaid offences, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each 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.

10. Bail application filed on behalf of applicant Ashish Thakur i.e. M.Cr.C. No.4504/18 is allowed. It is directed that the applicant shall be

released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha