

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 794 of 2018

1. Lakshminarayan Verma S/o Ramswaroop Verma, Aged About 37 Years, R/o Purani Basti, Tilda Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Ramesh Tiwari S/o Shri Premnath Tiwari, Aged About 43 Years, R/o Tilda, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Ramesh Kumar Agrawal S/o Shri Balkishan Agrawal, Aged About 42 Years, R/o Tilda, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Nilimp Agrawal S/o Late Shri Santosh Agrawal, Aged About 31 Years, R/o Tilda, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
5. Devendra Agrawal S/o Shri S. L. Agrawal, Aged About 52 Years, R/o Tilda, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
6. Purshottam Agrawal S/o Shri Shyam Sunder Agrawal, Aged About 45 Years, R/o Tilda, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
7. Ravi Sen S/o Shri Prabhashankar Sen, Aged About 29 Years, R/o Tilda, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
8. Ramesh Batra S/o Late Shri Lakshmandas Batra, Aged About 48 Years, R/o Tilda, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
9. Manohar Gehani S/o Shri Ramlal Gehani, Aged About 47 Years, R/o Tilda Camp, Tilda, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
10. Indar Kotwani S/o Late Shri Gopichand Kotwani, Aged About 55 Years, R/o Tilda Camp, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
11. Bhagchand Chabariya S/o Late Shri Ramchand Chabariya, Aged About 55 Years, R/o Tilda Camp, Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
12. Nikhil Jain S/o Shri Narendra Jain, Aged About 30 Years, R/o Tilda, Police Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
13. Suraj Narayan Sharma S/o Late Shri Hariprasad Sharma, Aged About 50 Years, R/o Tilda, Police Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
14. Dipak Sharma S/o Shri Rajkumar Sharma, Aged About 33 Years, R/o Tilda, Police Thana Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicants

MCRCA No. 795 of 2018

1. Vijay @ Sonu Markandey S/o Shri Ubaran Das Markandey, Aged About 33 Years, R/o Village Tilda-Nevra, P. S. Nevra, Tahsil Tilda, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police In Charge, Police Station Nevra (Tilda) District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant(s) – Shri B.P. Sharma and Shri M.L. Sakat, Advocates.
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

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

10-08-2018

1. As these two applications arise out of the same crime number, i.e. Crime No.205/2016, registered at Police Station Nevra, Tilda, Distt. Raipur, Chhattisgarh for the offence under Section 294, 323, 506, 147, 342, 186, 332, 353 and 427 of the IPC and Section 3(1)(d) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the SC/ST 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 in all these three applications have been falsely implicated in this case. Applicant Lakshminarayan (in MCRCA No.794/2018) is Vice Chairman of Municipal Council Tilda and applicant Vijay @ Sonu Markandey (in MCRCA No.795/2018) is elected member of the Council. The allegation made against these applicants is baseless, they had been to the place of incident to complain about the publication of advertisement without approval of the municipal council, because of which, some exchange of words and some scuffle took place. None of the applicants had abused the complainant with his caste name. A false FIR has been lodged by the complainant to cover up his

unauthorized deeds. Hence, it is prayed that the applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that because of bar under Section 18 of the SC/ST Act, the applications for grant of anticipatory bail are not maintainable and according to the contents of the FIR and the statement of the complainant, no case is made out for grant of anticipatory bail.

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

6. The case against the applicants is this, that on 19-07-2016 main accused Manish Agrawal along with 15 other persons including these applicants came to the office chamber of the complainant Hemshankar Deshlahara and alleged that he had published advertisement inviting tenders for construction on disputed site without approval of the municipal council. Subsequent to that, exchange of words and scuffle took place between both the parties. It is alleged that the main accused and others abused the complainant with his caste name. Hence, this case.

7. Reliance has been placed on paragraph No.17 of the judgment dated 20-03-2018 delivered by Hon'ble the Supreme Court in the matter of **Dr. Subhash Kashinath Mahajan Versus The State of Maharashtra and Anr.**, in Criminal Appeal No.416 of 2018.

8. Considering on the submissions made and the material present in the case diary and also the fact that similarly placed co-accused Mahesh Agrawal has been granted anticipatory bail in MCRCA No.161/2018 by this Court, I am of this opinion that both these applications also deserve to be allowed.

9. Consequently, Both the 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge