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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5303 of 2018**

1. Jan Pramod Khalkho S/o Vicktar Khalkho Aged About 29 Years R/o Village Kunkuri Thana Jashpur District Jashpur Chhattisgarh And At Present R/o Arya Nagar Kohaka Street No. 04, House No. 07 Supela Bhilai District Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Almaru Sai S/o Almaru Narayan Aged About 29 Years R/o Quarter No. 1 E Road A. V. A. -01 Zone Sector -11 Khursipar, Bhilai Distt. Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Mana Camp Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 826 Of 2018**

Bhupendra Jain S/o Late Shri Gyanchand Jain Aged About 46 Years R/o House No. 110, Rishabh Residency, New Rajendra Nagar, Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through The Station House Officer, Thana Mana Camp, Raipur, District Raipur, Chhattisgarh, District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Manoj Paranjpe and Shri Sanjay Agrawal, Advocates.
For the Respondent/State	:	Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.08.2018**

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. M.Cr.C. No. 5303 of 2018 filed under

Section 439 of the Code of Criminal Procedure, 1973 is the first bail application filed by the applicants for grant of regular bail to them, who have been arrested in connection with Crime No. 130 of 2018, registered at Police Station – Mana Camp, Raipur, District – Raipur, Chhattisgarh for the offences punishable under Sections 458, 294, 323, 506(B), 147, 148 and 120(B) of the Indian Penal Code. M.Cr.C.(A) No. 826 of 2018 is the first application under Section 438 of Cr.P.C. filed by the applicant for grant of anticipatory bail, who is apprehending arrest in connection with the aforesaid offence.

2. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material placed before the Court by the prosecution. Out of all the offences registered against the applicants only the offence under Section 458 of the IPC is non-bailable and according to the material present in the case-diary, no offence is made out under Section 458 of the IPC. It is further submitted that the incident has taken place in open field because of the dispute with regard to lease and possession of the agricultural land. Hence, for these reasons, the applicants are entitled for grant of regular/ anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. It is alleged that applicant – Bhupendra Jain took the help of

co-accused persons – Jan Pramod and others who entered into the premises of Rai Public School, Mana Camp, Raipur by forming unlawful assembly and then abused, threatened, assaulted and injured Ritesh Yadav and other persons and causing them simple injuries regarding which, the FIR has been lodged against the applicants.

6. Considered the material present in the case-diary. It appears that the accused persons have also suffered injuries in this case which needs explanation. It is alleged that applicant – Bhupendra Jain has sent hooligans to the place of incident but he himself was not present there. Hence, for these reasons, all the applicants deserve to be released on regular and anticipatory bail.

7. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are allowed.

8. It is directed that applicants – Jan Pramod Khalkho and Almaru Sai in M.Cr.C. No. 5303 of 2018 shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

9. It is directed that in the event of arrest of applicant – Bhupendra Jain in M.Cr.C.(A) No. 826 of 2018 in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on 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. 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 him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge