

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 836 of 2018**

Junas Ekka S/o Shri S B Ekka Aged About 59 Years R/o H No - 2-A Adarsh Nagar, Bishrampur, Police Station Bishrampur District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station In Charge Police Station Bagicha, District Jashpur Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 937 Of 2018**

1. Hermon Kindo S/o Shri Paulus Kindo Aged About 64 Years R/o Village Ranpur, Police Station Narayanpur, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh
2. Joseph Tigga S/o Shri Somra Tigga Aged About 70 Years R/o Village Ukai Ekamba, Police Station Sanna, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through Station In Charge Police Station Bagicha, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 939 Of 2018**

1. Hermon Kindo S/o Shri Paulus Kindo Aged About 64 Years R/o Village Ranpur, Police Station Narayanpur, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh
2. Joseph Tigga S/o Shri Somra Tigga Aged About 70 Years R/o Village Ukai Ekamba, Police Station Sanna, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through Station In Charge Police Station Bagicha, District Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Ashish Beck, Advocate.
 For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.09.2018**

Heard.

1. All these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime Nos.67 of 2018 & 66 of 2018 registered at Police Station – Bagicha, District Jashpur, Chhattisgarh for the offence punishable under Sections 341, 147, 149, 294, 353, 186, 120B, 109 and 117 of the Indian Penal Code.
2. Learned counsel for the applicants submits 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. Similarly placed co-accused persons – Sudhir Bhagat, Jagdev Minj and Others have been granted regular as well as anticipatory bail by this Court in M.Cr.C. No. 5222 of 2018 dated 14.8.2018. Hence, it is prayed that the applicants in this case be benefited with grant of 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. On the date of incident, a meeting of members of Tribal Committee

was organized in village Bachhranv in connection with interpretation of the Fifth Schedule of the Constitution and a peaceful rally was organized. Complainant – ASI Dinesh Rajwade present in this meeting to see that rally was held peacefully, but all of a sudden, the rally turned aggressive and violent and when the complainant tried to control the rally, he was assaulted with intent to deter him from discharging his official duty.

6. After due consideration of all the aspects in this case and also taking into consideration the fact that similarly placed co-accused persons have been granted regular as well as anticipatory bail by this Court, I am of the considered view that in these cases the applicants deserve to be enlarged on bail.

9. Accordingly, the bail applications filed by the applicants in all the cases under Section 438 of the Cr.P.C. are allowed.

10. It is directed that in the event of arrest of the applicants in all the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge