

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5222 of 2018

1. Sudhir Bhagat S/o Bandhna Bhagat Aged About 36 Years Caste Uraon, R/o Village Kaliya Police Station And Tahsil Bagicha District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
2. Jagdev Minj S/o Heera Sai Aged About 39 Years Caste Uraon, R/o Village Sihardand (Kaliya) Police Station And Tahsil Bagicha District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
3. Phulijens Ekka S/o Paulus Ekka Aged About 58 Years R/o Village Bathantoli, Sarpkombo, Police Station And Tahsil Bagicha District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bagicha District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Respondent

MCRC No. 5608 of 2018

1. Miliyan Minj S/o Nikolas Minj Aged About 28 Years R/o- Bachhraon, Police Station Narayanpur, District- Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh
2. Daud Kujur S/o Late Samvel Kujur Aged About 65 Years R/o- Bachhraon, Police Station Narayanpur, District- Jashpur, Chhattisgarh, District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police

Station-Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur,
Chhattisgarh

---- Respondent

MCRC No. 5752 of 2018

1. Sudhir Ekka S/o Bandhna Ekka Aged About 36 Years Caste-Uraon, R/o- Village Kaliya, Police Station And Tahsil- Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Jagdev Minj S/o Heera Sai Aged About 39 Years Caste- Uraon, R/o- Village Sihardand (Kaliya), Police Station And Tahsil Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
3. Phuljens Ekka S/o Paulus Ekka Aged About 58 Years Caste- Uraon, R/o- Village Bathantoli, Sarpkombo, Police Station And Tahsil- Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Bagicha, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

&

MCRCA No. 944 of 2018

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

---- Petitioner

Versus

- State Of Chhattisgarh Through Station In Charge P. S. Bagicha District
Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Ashish Gupta, Advocate in MCRC Nos.5222/2018 & 5752/2018.
		Mr. Manoj Chouhan, Advocate in MCRC No.5608/2018.
		Mr. Ashish Beck, Advocate in MCRC No.944/2018.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate.

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

14/08/2018

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicants Hermon Kindo & Joseph Tigga have filed M.Cr.C(A) No.944/2018 seeking anticipatory bail as they apprehend their arrest in connection with Crime No.65/2018 registered at Police Station-Bagicha District-Jashpur for the offence punishable under Sections 341, 147, 149, 294, 353, 186, 120B, 109 & 117 of the Indian Penal Code (for short 'IPC').
3. Applicants Sudhir Ekka, Jagdev Minj, Phuljens Ekka, Miliyan Minj, Daud Kujur, Sudhir Bhagat, have filed M.Cr.C. Nos.5222/2018, 5608/2018 & 5752/2018 seeking regular bail as they have been arrested in connection with Crime No.67/2018 and applicant in MCRC

No.5608/2018 has been arrested in connection with Crime No.65/2018 registered at PS-Bagicha, District-Jashpur for the offence punishable under Sections 341, 147, 149, 294, 353, 186, 120B, 109 & 117 of the Indian Penal Code.

4. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that no case is made out against them. According to the material present in the case diary, it is apparent that the applicants were not the persons who had participated in the commission of offence. Hence, it is prayed that they may be released on regular/anticipatory bail.
5. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that applicants have assaulted a public servant with intent to deter him from discharging his official duty and thereby committed serious nature of offence. Hence, no case is made out for grant of bail.
6. Heard both the parties and perused the case diary.
7. The case against the applicants is this that on the date of incident a meeting of the members of tribal community was held in village Bachhranv in connection with interpretation of the Fifth Schedule of the Constitution and a peaceful rally was organized. Complainant ASI Dinesh Rajwade was deployed in the said rally to ensure that the said rally is held peacefully. However, the rally turned aggressive & violent and when the complainant tried to control the rally, he was assaulted with intent to deter him from discharging his official duty. Hence, this case.
8. Taking into consideration the material available in the case diary, bail applications filed on behalf of applicants Sudhir Ekka, Jagdev Minj,

Phuljens Ekka, Miliyan Minj, Daud Kujur & Sudhir Bhagat are allowed on the following terms and conditions:-

- (i) The applicants will not participate in any public meeting causing hatred among the people of locality.
- (ii) The applicants will co-operate with the authorities for maintaining peace in the area concerned.
- (iii) The applicants will furnish a personal bond in the sum of Rs.25,000/- each with one local surety in the like amount to the satisfaction of the concerned trial Court. They shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
- (iv) If any of the above conditions is flouted, bail granted to the applicants by this Court shall automatically be cancelled.

9. Likewise, the anticipatory bail applications of applicants Hermon Kindo & Joseph are also allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, 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 applicant 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha