

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 923 of 2018**

Narendra Ratre, S/o. Premsai Ratre, Aged About 36 Years, R/o. Village Pahanda, Police Station -Urga, Tahsil and District Korba, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Its Police Station -Urga, Tahsil and District Korba, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ravi Maheshwari, Advocate
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/09/2018**

1. Apprehending arrest in connection with Crime No.27/2012, registered at Police Station – Urga, District – Korba (C.G.) for offence punishable under Section 147, 148, 149, 353, 186, 352, 294, 506 and 427 of the Indian Penal Code and Under Section 3 and 4 of Public Property Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. On the date of incident, Jan Sunwai (public hearing) was held for the reasons that lands of the vicinity were being acquired for Lanco Power Plant. The persons whose lands were proposed for acquisition were not satisfied with the proposed compensation because of which, the

dispute took place. The applicant and the other were falsely implicated in this case. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the named FIR has been lodged against the applicant according to which, he was present on the spot, when the dispute arose and the offence was committed. Hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The brief facts of the prosecution case is this that the villagers affected by the acquisition of the land were present in Jan Sunwai pertaining to Lanco Project, when the dispute arose on the quantum of the compensation proposed to be paid against the acquired land. It is alleged that the villagers present on the spot in which the applicant was one of the person turned violent, formed an unlawful assembly and then assaulted and deterred the public servants from performing their duties and also caused damage to the public property on the spot. Hence, this case.
6. Considered the submissions made and the contents of the case diary. As it appears that the applicant is one of the person present in the mob that turn violent, this applicant does not have any criminal antecedents, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. It is directed that in the event of arrest of the applicant 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge