

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 970 of 2018**

1. Gupteswar, S/o. Kailash, Aged About 30 Years,
 2. Kailash, S/o. Saaynath, Aged About 65 Years,
- All R/o. Village Murthadand, PS and Tahsil Batouli, District Surguja Chhattisgarh.

---Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, PS Batouli, District Surguja Chhattisgarh.

---- Respondent**M.CR.C.(A). No. 971 of 2018**

Rajaram, S/o. Late Dangar Yadav, Aged About 60 Years, R/o. Village Murthadand, P. S. and Tahsil Batouli, Dist. Surguja Chhattisgarh.

---Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, P. S. Batouli, Distt. Surguja Chhattisgarh

---- Respondent**M.CR.C.(A). No. 972 of 2018**

Rajkumar, S/o. Late Ramnarayan, Aged About 56 Years, R/o. Village Murthadand, P. S. And Tahsil Batouli District Surguja Chhattisgarh.

---Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, P. S. Batouli, Distt. Surguja Chhattisgarh.

---- Respondent**AND****M.CR.C.(A). No. 933 of 2018**

Kanhaiya, S/o. Shri Gaya, Aged About 28 Years, R/o. Village Murhadand, P. S. And Tahsil Batouli, Distt. Surguja Chhattisgarh.

---Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, P. S. Batouli, Distt. Surguja Chhattisgarh.

---- Respondent

For Applicants : Mr. Ashish Gupta on behalf of
Mr. Jitendra Shrivastava, Advocate

For Respondent/State : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/09/2018**

1. All the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. Apprehending arrest in connection with Crime No.22/2012, registered at Police Station – Batouli, District – Surguja (C.G.) for offence punishable under Section 147, 148, 149, 307, 325, 323 of the Indian Penal Code and Section 3 (2-5) & Section 3 (1-10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the applicants have preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The applicants were simply present on the spot and have not participated in the offence that was committed. There is no allegation in the material present in the case diary to show that these applicants were the main assailants. The injuries caused to the injured Rajnath Tirkey and Simleshwar are simple in nature, hence, the offence under Section 307 of I.P.C. is not made out. Similarly the offence under Section 325 and Section 3 (2-5) & Section 3 (1-10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is not made out according to the evidence of witnesses. Similarly placed co-accused Gyani Yadav has been released on anticipatory bail by this Court in M.Cr.C.(A) No.440/2018 vide order

dated 12.07.2018. Therefore, it is prayed that the applicants may also be enlarged on anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is clear evidence of witnesses that these applicants were present at the time of incident that has taken place and there may be requirement of custodial interrogation of these applicants in the investigation. Hence, the applicants are not entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. On the date of incident, the forest officials were demarcating the lands, which were in possession of these applicants, claiming that the land in possession of these applicants are forest lands because of which, a dispute arose and number of villagers intervened the demarcation process and during that some of the persons present there resorted to violence. Hence, this case.
7. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and also looking to the evidence of the witnesses that has been recorded in the investigation so far, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, all the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants 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 each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram