

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 984 of 2018**

1. Baiju @ Baijnath Miri S/o Late Shri Shivdayal Miri Aged About 70 Years  
R/o- Village Jarhagaon, P.S. Jarhagaon, Tahsil And District- Mungeli,  
Chhattisgarh., District : Mungeli, Chhattisgarh
2. Dhanesh Miri S/o Shri Baiju @ Baijnath Miri Aged About 38 Years R/o-  
Village Jarhagaon, P.S. Jarhagaon, Tahsil And District- Mungeli,  
Chhattisgarh., District : Mungeli, Chhattisgarh
3. Mahesh @ Badaiya Miri S/o Shri Shastri @ Manna Miri Aged About 22  
Years R/o- Village Jarhagaon, P.S. Jarhagaon, Tahsil And District-  
Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police  
Station Jarhagaon, District- Mungeli, Chhattisgarh., District : Mungeli,  
Chhattisgarh

**---- Respondent**

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| For Applicants | : | Mr. C.K. Kesharwani, Advocate.    |
| For Respondent | : | Mr. Ashok Swarnkar, Panel Lawyer. |

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

**Order On Board**

**11/09/2018**

1. The applicants have preferred this bail application under Section 438  
of Cr.P.C. apprehending their arrest in connection with Crime  
No.103/2018 registered at Police Station- Jarhagaon, District –  
Mungeli(C.G.), for the offence punishable under Section 294, 323, 506,  
302,, 147, 148 & 149 of the Indian Penal Code (for short 'IPC').

2. Learned counsel for the applicants submits, that applicants are innocent and have been falsely implicated by the complainant in this case, who has made repeated statements for four times but had omitted to name these applicants in his earlier statements and in the FIR lodged by him, hence, this shows that the applicants are entitled for grant of anticipatory bail.
3. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that no case is made out for grant of anticipatory bail as it is a case of murder.
4. Heard both the parties and perused the case diary.
5. The case against these applicants and the co-accused persons is this, that on the date of incident co-accused Dinesh and Manna along with other persons had formed an unlawful assembly and then abused, threatened and assaulted Devsai and Sonsai with clubs. In this incident, Sonsai suffered fatal injury and died during the course of treatment. Injured Devsai has lodged FIR in this case.
6. Initially, name of this applicant has not appeared in the FIR lodged on 22.4.2018 by Devsai, in the statement under Section 161 CrPC of Devsai recorded on 23.4.2018 again the name of these applicants did not appear in the statement of Devsai that was again recorded on 28.4.2018. After passing about 3 months, another supplementary statement of Devsai has been recorded on 12.7.2018, in which, the name of these applicants has appeared as the persons who were present at the time of incident and have participated in the same.
7. After due consideration on all the material present in the case diary and looking to the gradual development in the statement of the star witness of this case, I am of this view that this is a fit case where the

applicants should be enlarged on anticipatory bail.

8. Accordingly, the anticipatory bail application of applicants is allowed and it is directed that in the event of arrest of the applicant 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 himself 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