

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 986 of 2018

1. Smt. Sukhin Bai W/o Sukhadev Chandra Aged About 42 Years R/o Village Dhobanipali, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Smt. Bindara W/o Nanki Dau Aged About 60 Years R/o Village Uchpinda, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Rama Bai W/o Devdas Aged About 40 Years R/o Village Uchpinda, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Bani W/o Harishankar Aged About 70 Years R/o Village Uchpinda, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
5. Atun Bi W/o Hasrat Ali Aged About 50 Years R/o Village Uchpinda, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
6. Savitri W/o Jugaru Ram Aged About 48 Years R/o Village Ghivara, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate Janjgir District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

MCRCA No. 1012 of 2018

1. Chhote Lal S/o Bhurwa Ram Aged About 42 Years Caste Chandra, R/o- Village Dhobanipali, P.S. And Tahsil Dabhara, District- Janjgir-

Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

2. Prashant Sahu S/o Padmalochan Aged About 40 Years Caste- Sahu, Occupation- Agriculturist R/o- Village Dhobanipali, P.S. And Tahsil Dabhara, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- The District Magistrate Janjgir, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

MCRCA No. 1104 of 2018

1. Ramcharan Sahu S/o Karmu Aged About 70 Years R/o Village Ghivara, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Ghasiram S/o Dev Singh Aged About 44 Years R/o Uchpinda, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Bajrang Singh Sidar S/o Bedram Aged About 40 Years R/o Village Ghivara, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Ramadhar Sahu S/o Bisahu Aged About 30 Years R/o Village Ghivara, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
5. Lachhan Das Mahant S/o Maniya Das Aged About 45 Years R/o Uchpinda P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
6. Khikram Routiya S/o Baigaram Aged About 45 Years R/o Uchpinda, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

7. Om Prakash S/o Kripa Ram Aged About 41 Years R/o Village Ghivara, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
8. Chaman @ Gudda Sidar S/o Lava Sidar Aged About 23 Years R/o Village Ghivara, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The District Magistrate, Janjgir, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants : Mr. Ishwar Jaiswal , Advocate in M.Cr.C. (A)
No.986/2018.
Mrs.Hamida Siddiqui, Advocate in M.Cr.C. (A)
No.1012/18.
Mr. Abhishek Saraf, Advocate in M.Cr.C.
(A)No.1104/18.

For Respondent/State: Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/09/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in all the above cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.248/2009 registered at Police Station-Dabhra, District – Janjgir-Champa(C.G.), for the offence punishable under Sections 147, 148, 149, 307, 323, 294, 333 & 506 of Indian Penal Code (for short

'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants according to the material present in the charge-sheet filed. The incident is of 12.10.2009. The applicants in all the three cases were never summoned by the police at the time of investigation nor they were arrested. Even when the charge-sheet was filed, no notice was served upon them by the police before filing of charge-sheet. Applicants have received information that process has been issued against them as the offences are non-bailable in nature, has been issued against them and therefore they are apprehending their arrest in connection with the offence registered against them. Hence, it is prayed that all the applicants be benefited with grant of anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that it is a case in which the applicants along with other co-accused had assaulted and injured a public servant in order to prevent or deter him from discharging his duty. Hence, they are not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on 12.10.2009 the villagers of vicinity being dissatisfied with the rehabilitation policy, which were not in accordance with the assurances made, had assembled in front of R.K.M. Power Plant to agitate. Suddenly the mob went violent. Complainant Constable Ram Kumar Singh, who was present on the spot, tried to pacify and disperse the mob, but the violent mob not only prevented him from discharging his official duty as public servant but

also caused injuries to him. Detailed FIR has been lodged by the complainant. Hence, this case.

7. Perused the entire material present in the case diary.
8. Considering the fact that present case pertains to the year 2009, the charge sheet has been filed in the year 2013 after completion of investigation, which shows that now there is no requirement of custodial interrogation of the applicants and further considering the statement made by the applicants that they have never been summoned or approached by the police in connection with investigation, I am of this view that all the applicants deserve to be released on anticipatory bail.
9. Accordingly, the anticipatory bail applications of applicants are 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 furnishing 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 applicants shall also abide by the following conditions :-
 - (i) that the applicants shall make herself 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 her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha