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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 995 of 2018

1. Ramkaran S/o Chainsai, Aged About 40 Years, R/o Aara, Balrampur, P. S. Rajpur, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh
2. Smt. Jagmen W/o Ramkaran, Aged About 38 Years, R/o Aara, Balrampur, P. S. Rajpur, Distt. Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh
3. Ku. Priya D/o Ramkaran, Aged About 29 Years, R/o Aara, Balrampur, P. S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, through Outpost Bariyon, P.S. Rajpur, District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Rakesh Pandey, Advocate.

For Non-applicant/State – Shri Rahul Takaskar, Panel Lawyer.

Shri V.K. Pandey, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-09-2018

1. Apprehending arrest in connection with Crime No.85/2018, registered at Outpost -Bariyon, Police Station – Rajpur, District Balrampur-Ramanujganj, Chhattisgarh for offence punishable under Section 147, 148, 149, 294, 506, 323 of the IPC and Section 25 and 27 of Arms Act, the applicants have preferred this application for grant of anticipatory bail.
2. At the outset, learned counsel for the applicants prays to withdraw the application for grant of anticipatory bail filed on behalf of applicant No.1 Ramkaran S/o Chainsai seeking direction to the concerned Court to consider the regular bail application of applicant No.1 preferably on the same day on which he surrenders before the said Court if practicable.
3. As prayed, the prayer for grant of anticipatory bail in this application made by applicant No.1 Ramkaran S/o Chainsai is dismissed as withdrawn.

The concerned Court is directed to consider and decide the regular bail application of this applicant preferably on the same day he surrenders before the said Court, if practicable.

4. It is submitted by learned counsel for applicant No.2 and applicant No.3 that these applicants have been falsely implicated in this case on account of previous enmity with the complainant. These applicants were peacefully ploughing their fields when the complainant party arrived their place and assaulted them, to which these applicants have retaliated in defence and on the FIR lodged by them Crime No.086/18 was registered against the complainant party under Section 147, 294, 506, 323 of the IPC. It is a clear case in which these applicants have defended themselves. Hence, it is prayed these applicants may be benefited with grant of anticipatory bail.

5. Learned counsel for the State/non-applicant opposes the application submitting that looking to the evidence present on record, these applicants are not entitled for grant of anticipatory bail.

6. Learned counsel for the objector after adopting the argument advanced on behalf the State submits that it were these applicants who were encroaching upon the Government land and when they were restrained by the complainant and others they started the assault, which has resulted in the incident, hence, no case is made out for grant of anticipatory bail.

7. Heard learned counsel for the parties and perused the case diary.

8. According to the FIR lodged, on the date of incident applicant No.1 was sowing crops in the Government land, when the applicant No.1 was asked to stop the encroachment, it is alleged that he and others assaulted and injured the complainant and others. It is alleged that applicant Ramkaran (applicant No.1) assaulted complainant Mohd. Iqbal with sword causing injuries to him.

9. According to the contents of the case diary, it appears that the offence under Section 25 and 27 of the Arms Act is made out only against applicant

No.1 as the weapon of offence has been seized from him by the police. Hence, I feel inclined to grant anticipatory bail to applicants 2 and 3.

10. Accordingly, the prayer made by applicant No.2 Smt. Jagmen and applicant No.3 Ku. Priya for grant of anticipatory bail is allowed. It is directed that in the event of arrest of these 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 in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge