

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A) No. 1084 of 2018**

Devnath Kuzur, S/o. Late Shri Baban Singh, Aged About 47 Years, R/o.- Village- Chilmakala, Post Narsinghapur Police Station Rajpur, Tahsil Rajpur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

M.CR.C.(A) No. 1027 of 2018

Jenebiba Kindo, D/o. Late Piyush Kindo, Aged About 57 Years, R/o. Sector 17 D 9-10, Naya Raipur Tehsil And District Raipur Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

M.CR.C.(A) No. 1075 of 2018

Jastin Barwa, S/o. Manibhushan Barwa, Aged About 38 Years, Profession Agriculture, R/o.- Village Thakurpur, Police Station - Jainagar, Tahsil Surajpur, District- Surajpur, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

M.CR.C.(A) No. 1076 of 2018

Patras Minj, S/o. Johan Ram Minj, Aged About 75 Years, R/o.- Bisap House, Police Station Gandhinagar, Tahsil Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

M.CR.C.(A) No. 1079 of 2018

Gyan Prakash Lakda, S/o. Simon, Aged About 48 Years, Profession Priest R/o. Village Pathrai Keshra, Police Station and Post Kamleshpuram, Tehsil Manipath, District Surguja Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

M.CR.C.(A) No. 1085 of 2018

Satish Kachhap, S/o. Shri Prabhu Charan, Aged About 45 Years, R/o.- Bishop House, Police Station Gandhinagar, Tahsil Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

M.CR.C.(A) No. 1215 of 2018

Jovakim Minj, S/o. Patras Minj, Aged About 53 Years, Profession Padri, R/o. Village Chiranga Kalyanpur, Post Navanagar, P.S. Daribha, Tahsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

AND

M.CR.C.(A) No. 1296 of 2018

Gyanbhusan Toppo, S/o. Bhinsent Toppo, Aged About 47 Years, Profession- Service, R/o Village- Sargavan, Police Station- Gandhinagar, Tehsil- Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through- District Magistrate, Surguja, Chhattisgarh.
2. Suman Khakha, S/o. Shri Imeel Khakha, Aged About 50 Years, R/o.- Village Sandbar Chitkipara, Police Station -Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sunil Otwani, Advocate
For Respondent/State	: Mr. Anil S.Pandey, G.A.
For Objector	: Mr. Manish Thakur, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/10/2018

1. All the bail applications are heard and decided together by this common order as they are arising out of same criminal case and the incident.
2. The applicants in all the cases are apprehending arrest on the basis of the warrant of arrest issued by the Court of Judicial Magistrate First Class, Ambikapur, District – Surguja in Criminal Case No.476/2017 for the offence punishable under U/s.365, 368, 452, 506 Part-II read with Section 34 of the Indian Penal Code, 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. Regarding the

alleged incident of 13.09.2009, one FIR was lodged by the complainant on 02.12.2010. The police investigated the case and has filed a closure report, which was accepted by the concerned Court on 09.10.2011. Subsequent to that, a private complaint was filed before the Court concerned, but the same was dismissed on 05.05.2012. Respondent No.2/complainant preferred a revision before the Sessions Court, which was allowed by order dated 17.05.2013, because of which, the complaint case was restored and finally the Court has taken cognizance for the offence under Section 365, 368, 452, 506 Part-II read with Section 34 of the Indian Penal Code to be tried against these applicants on 03.04.2017. Subsequent to which, non-bailable warrant have been issued against these applicants for their appearance before that Court because of which they are under apprehension that on their appearance before the Court, they shall be arrested and sent to jail. Therefore, it is prayed the applicants may be enlarged on anticipatory bail.

4. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect.
5. Counsel for the respondent No.2 submits that all the applicants are very influential persons and some of them are being public servant have succeeded so far to thwart the proceedings that was launched by the complainant. There is presence of evidence in this case against the applicants because of which none of the applicants deserve to be enlarged on anticipatory bail.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

7. In FIR dated 02.12.2010, it was alleged that all these applicants conspired and abducted the complainant then kept in confinement inside the jungle for about one year. The complainant some how made his escape and then lodged the FIR. Subsequent to filing of closure report, the complainant has filed complaint on which the trial Court has taken cognizance for trial of these applicants under the offence punishable under Section 365, 368, 452, 506 Part-II read with Section 34 of the Indian Penal Code.
8. Considering on all the material present on record of each cases and the looking to the development that has taken place time to time and finally the case is before the trial Court, where the applicants have to simply give their appearance for contesting the case against them, hence, at this stage their appears to be no requirement of their detention or custodial interrogation, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
9. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
10. 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 trial Court. 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