

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1245 of 2018**

1. Naveen Kaushik, S/o. Radheshayam Kaushik, Aged About 25 Years
 2. Baburam Yadav, S/o. Kanhiya Yadav, Aged About 50 Years,
 3. Dileep Yadav, S/o. Munna Yadav, Aged About 35 Years
 4. Billu Yadav, S/o. Dashrath Yadav, Aged About 30 Years,
 5. Somnath, S/o. Bisheshar Kaushik, Aged About 55 Years,
 6. Kirit Sahu, S/o. Shobhit Sahu, Aged About 64 Years,
 7. Shatrughan Ghasiya, S/o. Bhukhau Sarthi, Aged About 50 Years
 8. Bajarang Bareth, S/o. Bihari Bareth, Aged About 30 Years,
 9. Master Yadav, S/o. Phulsingh, Aged About 30 Years,
- All Resident In Village Sakrra, Police Station : Hirri District Bilaspur Chhattisgarh,

----Applicants

Versus

State Of Chhattisgarh, Through : Police Station : Hirri, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants : Mr. A.K. Yadav, Advocate

For Respondent/State : Mrs. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****01/11/2018**

1. Apprehending arrest in connection with Crime No.201/2018, registered at Police Station – Hirri, District – Bilaspur (C.G.) for offence punishable under Section 147, 148, 452, 427 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. The applicants

are the labourers engaged by Gram Panchayat for removal of unauthorized encroachment on the land of the panchayat regarding which proposal was already passed by the panchayat and send to the authorities for its execution. No case is made out against the applicant on the basis of the material present in the case diary. Therefore, it is prayed the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As alleged on the date of incident, the applicants arrived with one JCB machine asking the complainant Utrra Kumar Kaushik to vacate his house and then his house was demolished. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Considering on the material present in the case diary and also perused the documents filed along with the application regarding proposal approved by the panchayat, hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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