

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1220 of 2018

1. Ajay Khatri @ Cheetu S/o Shri Kishan Chandra Khatri, Aged About 38 Years, R/o Pendra, Tehsil- Pendra, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Station House Officer, Police Station- Pendra, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRCA No. 1354 of 2018

1. Deepak Singh S/o Shri Shyam Narayan Singh, Aged About 28 Years, R/o Pendra, Police Station And Tahsil Pendra, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pendra, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRCA No. 1403 of 2018

1. Uday Soni S/o Kamlesh Soni Aged About 26 Years R/o Hanuman Ganj, Pendra, Police Station-Pendra, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Pendra, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Achyut Tiwari, Advocate (in MCRCA No.1220/2018),
Shri Umakant Singh Chandel, Advocate (in MCRCA No.1354/2018),
Shri Dharendra Prasad Mishra, Advocate (in MCRCA No.1403/2018).

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

24-10-2018

1. As these three MCRCA arise out of the same crime number, i.e. Crime No.319/2017, registered at Police Station Pendra, District- Bilaspur, Chhattisgarh for the offence under Section 147, 294, 186, 353, 332, 506, 34 of the IPC, they are being decided by this common order.

2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicants that the applicants in all these three applicants have been falsely implicated in this case. Name of applicant Ajay Khatri @ Cheetu (in MCRCA No.1220/2018) does not even appear in the FIR, whereas, name of other two applicants (in MCRCA No.1354/2018 and MCRCA No.1403/2018) although appeared in the FIR, but none of these applicants have participated in the incident of assault on the policemen, they are simply present in the mob in which some of the miscreants assaulted and injured the police persons. There is no previous criminal record of these applicants. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the applications submitting that it is a case of attack and assault on the police personnel on duty which should be viewed seriously and the applications may be rejected.

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

6. The incident is of 20-10-2017 when the police party from P.S. Pendra, District Bilaspur raided on the spot of incident where a number of persons were gambling, some of the gamblers were arrested and brought to the police station and thereafter a mob followed them which manhandled, abused, assaulted and injured the police personnel. Hence, this case.

7. Considered on the entire material present in the case diary. As it appears that the incident has taken place almost one year before this date and still the police had not made any attempt to arrest these applicants, further, considering on all the facts and circumstances of the case, I feel inclined to allow all these three applications.

8. Consequently, all these three anticipatory bail applications are 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 each of them 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge