

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1317 of 2018**

Vikash Kumar Tiwari, S/o. Girish Kumar Tiwari, Aged About 31 Years, R/o. Village- Karnaoud, Police Station- Birra, District- Janjgir- Champa, Chhattisgarh.

----Applicant

Versus

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

---- Respondent

AND**M.CR.C.(A). No. 1332 of 2018**

Rikhiram Dadsena, S/o. Dediaram Aged About 33 Years, R/o. Village Karnaoud, Police Station Birra, District Janjgir-Champa Chhattisgarh.

----Applicant

Versus

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

---- Respondent

For Applicants	: Mr. Ravindra Sharma, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**29/10/2018**

- Both the applications are heard and decided together by this common order as they are arising out of the same crime number and incident.
- Apprehending arrest in connection with Crime No. 56/2018, registered at Police Station – Bamhanidih, District – Janjgir-Champa (C.G.) for offence punishable under Section 147, 186, 341, 427 of the Indian Penal Code and Section 3, 4 of Prevention of

Damage to Public Property Act, 1984, the applicants 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. It is submitted that all the offences registered against the applicants are bailable offence, whereas the offence under Section 3 & 4 of Prevention of Damage to Public Property Act are non-bailable offence. It is submitted that the applicants had been a member of the mob and there is no specific allegation made against them about causing damage to the public property. 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. It is submitted that both the applicants are named in the FIR, hence, looking to the evidence present against them, no case is made out for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. On the date of incident, the electricity supply was shutdown because of which, villagers of six villages numbers of 200-250 gathered outside the Electricity Supply Center, Bamhndih started agitating. The mob went violent and some property of CSPDCL was damaged regarding which FIR has been lodged.
7. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

8. Accordingly, both the anticipatory bail applications filed under Section 438 of Cr.P.C. is allowed.
9. 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 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