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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1239 of 2018**

1. Chhote Lal S/o Bhurwa Ram Aged About 42 Years Caste Chandra, Occupation Agriculturist, R/o Village Dhobanipali, P.S. And Tahsil Dabhara, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Prashant Sahu S/o Padmalochan Aged About 40 Years Caste Sahu, Occupation Agriculturist, R/o Village Dhobanipali, P.S. And Tahsil Dabhara, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The District Magistrate Janjgir, District - Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 1372 Of 2018**

1. Sukhin Bai W/o Sukhdev Aged About 42 Years R/o Village Dhobanipali, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Atun Bee W/o Hasrat Ali Aged About 50 Years R/o Village Uchpinda, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Savitri Bai W/o Jagaru Ram Aged About 48 Years R/o Village Ghiwara, Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Ramcharan S/o Karmu Aged About 70 Years R/o Village Ghiwara, Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
5. Ghasi Ram S/o Dev Singh Aged About 44 Years R/o Village Uchpinda, P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
6. Bajrang Singh S/o Bedram Sidar Aged About 46 Years R/o Village Ghiwara, Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
7. Ramadhar S/o Bisahu Aged About 30 Years R/o Village Ghiwara, Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
8. Khikram S/o Baiga Ram Aged About 45 Years R/o Village Uchpinda P. S. And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
9. Chaman @ Gudda S/o Lava Sidar Aged About 23 Years R/o Village Ghiwara, Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants

Vs

State Of Chhattisgarh Through The District Magistrate, Janjgir District
Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants : Shri Ishwar Jaiswal and Ms. Hamida
Siddiqui, Advocates.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

22.10.2018

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.247 of 2009 registered at Police Station – Dabhara, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 395, 452, 427, 323, 201, 450 and 324 of the Indian Penal Code.

2. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. The actual case is that an agitation was done by the applicants alongwith the villagers of the vicinity, being dissatisfied with the rehabilitation policy of R.K.M. Power Limited. Two false cases have been registered against them in the year 2009. These applicants have been benefited with grant of anticipatory bail by this Court in the offence registered as Crime No.248 of 2009. As this happens to be a similar case and only the complainant in this case is different person, hence,

it is prayed that the applicants in both the cases are entitled for grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that it is a case of the year 2009 and the charge-sheet was filed in the year 2013. The applicants are successfully absconding from the legal proceedings so far. Hence, it is prayed that the applicants are not entitled for grant of anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, on 12.10.2009 about 250 villagers including the applicants were staying protection in front of R.K.M. Power Plant being dissatisfied with the rehabilitation policy and the payment of compensation. It is alleged that the mob went violent, which entered the factory premises and destroyed number of articles causing huge loss to R.K.M. Power Plant and at the same time, the persons in that mob looted the tools and other articles from the store house of the company regarding which, FIR has been lodged by P.M.Chowkey, Senior Officer. Hence, this case.

6. Considering all the material present in the case-diary and the fact that the evidence in the case-diary shows that the applicants were part of the mob which had agitated against the R.K.M. Power Plant Limited and then mob suddenly went violent and for the reason that in the similar case the applicants have been benefited with grant of anticipatory bail. Hence, for

these reasons, I feel inclined to grant anticipatory bail to all the applicants in both the cases.

7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases 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. They 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 them 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.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge