

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1486 of 2018

- Ram Prakash @ Prakash S/o Jagarnath @ Baiga, Aged About 73 Years, R/o Village Sapnadar, P.S. Kamleshwarpur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Batouli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Ashish Gupta, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-12-2018

1. Apprehending arrest in connection with Crime No.22/2012, registered at Police Station – Batouli, District Surguja, Chhattisgarh for offence punishable under Section 147, 148, 149, 307, 325, 323 of the IPC and Section 3(2-5) & Section 3(1-10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against this applicant. His name has not appeared in the FIR and later as a result of concoction he has been named as one of the accused and assailant in this case which is totally false. Hence, it is prayed that the application may be allowed.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. It is alleged that on the date of incident forest officials were demarcating the land which were in possession of this applicant and co-accused persons claiming that the lands in possession of the applicant and co-accused persons

were forest land. Thereafter a dispute arose between the applicants and the co-accused persons and the forest officials, and a number of villagers intervened the demarcation process and assaulted the forest officials causing injuries to them.

6. Considered on the entire material present in the case diary. Looking to the nature of the case and considering this fact that similarly placed co-accused persons have been granted anticipatory bail, I am of this opinion that this applicant should also be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him 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. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge