

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1495 of 2018

- Rama Bai W/o Devdas Mahant Aged About 40 Years R/o Village Ucchapinda ,police Station Dabhara ,district Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer -Police Station ,dabhara ,district Janjgit-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

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MCRCA No. 1525 of 2018

- Lachhandas S/o Muniyadas Aged About 40 Years R/o Village Ucchapinda, Police Station Dabhara, District Janjgir - Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer - Police Station, Dabhara, District Janjgir - Champa Chhattisgrh., District : Janjgir-Champa, Chhattisgarh

---- Respondent -

For Applicants : Mr. Hamida Siddiqui, Advocate.

For Respondent/State: Mr. A.K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/11/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in all the above cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.247/2009 registered at Police Station-Dabhra, District – Janjgir-Champa(C.G.), for the offence punishable under Sections 147, 148, 149, 395, 457, 427, 323, 201, 450 & 324 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants according to the material present in the charge-sheet filed. Similarly placed co-accused persons have been granted anticipatory bail by this Court vide order dated 11.9.2018 passed in bunch of applications filed under Section 438 of CrPC. Hence, it is prayed that these applicants be also benefited with grant of anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that it is a case of assault on public servant discharging his duty. Hence, they are not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, on 12.10.2009, the villagers of vicinity being dissatisfied with the rehabilitation policy, had assembled

in front of R.K.M. Power Plant to agitate. All of sudden, the mob went violent then the complainant Constable Ram Kumar Singh, who was present on the spot, was assaulted, manhandled and deterred from performing his official duty. Hence, this case.

7. Perused the entire material present in the case diary.
8. Considered on the material present in the case diary, the case pertains to the year 2009, the charge-sheet has been already filed in the year 2013 and it does not appear to any attempt was made to arrest the applicants so far and other similarly placed co-accused persons have been granted anticipatory bail by this Court, for these reasons, I am of this view that all the applicants deserve to be released on anticipatory bail.
9. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety 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 her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha