

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1577 of 2018**

1. Ashok Bhagat, S/o. Sukhiram Bhagat, Aged About 40 Years, Occupation- Journalist, R/o. Rampur, Patrapara, Bhedimuda (A), Lailunga, Police Station-Lailunga (Wrongly Mentioned As Dharamjaigarh In The Bail Rejection Order) District- Raigarh, Chhattisgarh.
2. Ashok Mahant, S/o. Jagmohandas Mahant, Aged About 24 Years, Occupation- Journalist, R/o. Bhedimuda (A), Police Station-Lailunga (Wrongly Mentioned As Dharamjaigarh In The Bail Rejection Order)tahsil- Lailunga, District- Raigarh, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station-Dharamjaigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Mr. M.K. Jaiswal, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/12/2018**

1. At the very outset, learned counsel for the applicants prays to withdraw the bail application of the applicant No.1- Ashok Bhagat and also seeks direction to the concerned trial Court that application for regular bail be decided on the same day, if the, applicant No.1 surrenders and applies for grant of regular bail before the concerned trial Court. Accordingly, the bail application is dismissed as withdrawn. The concerned trial Court is directed to consider on the regular bail application of the applicant No.1, if the, applicant No.1 surrenders and applies for regular before the concerned Court below and decide the same as far as practicable preferably on the same day.

2. The applicant No.2 – Ashok Mahant is apprehending arrest in connection with Crime No.227/2018, registered at Police Station – Dharamjaigarh, District – Raigarh (C.G.) for offence punishable under Section 294, 323, 327 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant. This applicant is the news correspondent and on getting information that the complainant party were taking cattle to the slaughter house, he had stopped them with intention to report the matter to the police, but he was falsely implicated in this case by making false allegation regarding demand of money from the complainant. This applicant has no criminal antecedents. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the bail application and the submission made in this respect.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. The FIR lodged against the applicant and other accused persons, it is alleged that the complainant Sanju Kumar Kurrey was marching the purchased cattle with his assistant, at that time the applicant and others came and stopped the cattle drive and then asked money from the complainant. When the complainant refused, he was abused and then assaulted thus causing injuries to him. Hence, this case.

7. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary against the applicant No.2, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant No.2.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. It is directed that in the event of arrest of the applicant No.2 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 No.2 shall also abide by the following conditions :
 - (i) that the applicant No.2 shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant No.2 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 No.2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant No.2 shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge