

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 17 of 2019

- Rahul Khandekar S/o Sujeet Khandekar, Aged About 19 Years, R/o Village Kestarpur, Police Station Lalpur, District Mungeli, at present R/o Heera Lal Ward No. 18, Mungeli Tahsil And District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lalpur, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

MCRCA No. 102 of 2019

- Govind Narayan S/o Late Haridas Khandekar, Aged About 69 Years, R/o Village Kestarpur, Police Station Lalpur, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lalpur, District Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicants– Smt. Hamida Siddique, Advocate.

For Non-applicant/State – Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-02-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.92/2018, registered at Police Station Lalpur, District Mungeli, Chhattisgarh for the offence punishable under Section 452, 147, 148, 149, 427, 354 & 323 of the IPC, they are being decided by this common order.
2. These applications have been filed by the applicants for grant of anticipatory bail as they are apprehending their arrest in connection with the aforesaid crime number and offence.
3. At the outset, learned counsel for the applicants prays to withdraw MCRCA No.17 of 2019 filed on behalf of applicant Rahul Khandekar seeking direction to the concerned Court to consider and decide his regular bail application on the same day.
4. Accordingly, MCRCA No.17 of 2019 is dismissed as withdrawn. The

concerned Court is directed to consider and decide the regular bail application of applicant Rahul Khandekar (applicant in MCRCA No.17 of 2019) preferably on the same day on which he surrenders before the said Court, if practicable.

5. It is submitted by learned counsel for applicant Govind Narayan (applicant in MCRCA No.102 of 2019) that this applicant has been falsely implicated in this case. No case is made out against this applicant. Applicant Govind Narayan is 69 years old person and he was not present on the spot. The FIR lodged by Prakash Yadav does not reflect name of this applicant, whereas, the same person who has given statement under Section 161 of the Cr.P.C. after three days on 25-06-2018, added name of this applicant, which is clearly a development to falsely implicate him. Therefore, it is prayed that applicant Govind Narayan (applicant in MCRCA No.102 of 2019) may be benefited with grant of anticipatory bail.

6. Learned counsel for the State/non-applicant opposes the application submitting that according to the FIR and the statement given by the witnesses, this applicant is not entitled for grant of anticipatory bail.

7. Heard learned counsel for the parties and perused the case diary.

8. It is alleged that on the date of incident main accused Ritik Khandekar along with others who were 50 in numbers including this applicant, trespassed into the house of complainant Prakash Yadav, assaulted the members of the house hold with clubs, battle axes and also outraged the modesty of the women present there by tearing their clothes. Hence, this case.

9. After considering on the entire material present in the case diary and for the reason that name of applicant Govind Narayan (applicant in MCRCA No.102 of 2019) has appeared as development in the statement by the complainant himself, I feel inclined to allow the application filed by applicant Govind Narayan for grant of anticipatory bail.

10. Accordingly, MCRCA No.102 of 2019, application filed under Section

438 of the Cr.P.C. by applicant Govind Narayan is allowed. It is directed that in the event of arrest of applicant Govind Narayan (applicant in MCRCA No.102 of 2019) 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. This applicant shall also abide by the following conditions :

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

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge