

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 203 of 2019**

1. Nirdosh Lakda S/o Shri Mangna Lakda, Aged About 20 Years, By Caste Uraon, Occupation Labour, R/o Village Koldhodhi, Thana Patthalgaon, Civil And Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
2. Jeewan Tigga S/o Late Shri Nayaram, Aged About 22 Years, By Caste Uraon, R/o Village Turwaama, Thana Patthalgaon, Civil And Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
3. Josef Kujur S/o Shri Rajaram, Aged About 22 Years, By Caste Uraon, R/o Village Darapara Patthalgaon, Thana Patthalgaon, Civil And Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
4. Ali Khakha S/o Shri Chaitram, Aged About 18 Years, By Caste Uraon, R/o Village Darapara Patthalgaon, Thana Patthalgaon, Civil And Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Patthalgaon, Civil And Revenue District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

**---- Non-applicant**

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For Applicants – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Mahesh Mishra, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**26-02-2019**

1. Apprehending arrest in connection with Crime No.195/2018, registered at Police Station –Patthalgaon, District Jashpur, Chhattisgarh for offence punishable under Section 452, 147, 148, 294, 323, 506 of the IPC, the applicants have preferred this application for grant of anticipatory bail under Section 438 of the Cr.P.C.
2. It is submitted on behalf of the applicants that these applicants have been falsely implicated in this case. There is no evidence against these applicants regarding their participation in commission of the aforesaid offence. The memorandum statement given by co-accused Manoj Lakda naming these applicants as his associates is not legally admissible evidence. Investigation is

pending since six months and still no witness has come up to make statement against these applicants. Hence, it is prayed that the application may be allowed.

2. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the FIR lodged, on 17-08-2018 at about 9:00 p.m. Manoj Lakda along with 5 others came to the house of complainant Ramesh Kumar Bhagat and then abused, threatened and assaulted and injured the complainant and his brother Sanjay Beg. Hence, this case.

6. After considering on the material present in the case diary and the fact that the main accused has been granted anticipatory bail on the ground of his juvenility and also looking to the evidence that are proposed against him in the investigation so far, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**

Aadil