

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 341 of 2019

1. Shailendra Singh Thakur S/o Chandrabhan Singh Thakur, Aged About 17 Years (Juvenile) through natural guardian Father Shri Chandrabhan Singh Thakur, Aged About 46 Years, Occupation Contractor, R/o Village Ratanpur, Tahsil Kota, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Ratanpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRCA No. 343 of 2019

1. Aditya Kumar Yadav S/o Shri Ramkumar Yadav, Aged About 17 Years, (Juvenile) through natural guardian Ramkumar Yadav S/o Shri J.L. Yadav, Aged About 54 Years, Occupation Advocate, R/o Village Ratanpur, Tahsil Kota, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Ratanpur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

MCRCA No. 349 of 2019

1. Vikas Dhivar S/o Shri Shyamu Dhivar Aged About 21 Years, R/o Gandhi Nagar, Ratanpur, P.S. Ratanpur, Tahsil Kota, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ratanpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Kishore Narayan, Advocate (in MCRCA No.341/2019 and MCRCA No.343/2019),
Mr. C.P. Soni, Advocate (in MCRCA No.349/2019).
For Non-applicant/State – Ms. Madhunisha Singh Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

13-03-2019

1. As all these three applications arise out of the same crime number, they are being decided by this common order.
2. The applicants in all these applications are apprehending arrest in

connection with Crime No.376/18 of Police Station Ratanpur, District Bilaspur, C.G. which is now pending as Criminal Case No.456/2018 before the committal Court for prosecution under Section 147, 307 of the IPC, hence, they have preferred these applications for grant of anticipatory bail.

3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against these applicants for commission of offence under Section 307 of the IPC because the victim has suffered simple injuries and though there is one fracture, but there is no such report that any of the injuries caused is fatal. Applicant Shailendra Singh Thakur (applicant in MCRCA No.341/2019) and applicant Aditya Kumar Yadav (applicant in MCRCA No.343/2019) both are juvenile. Similarly placed co-accused persons Yogesh Gupta and Umesh Sahu have been granted anticipatory bail by this Court. Hence, it is prayed that applications of these applicants may also be allowed.

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

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

6. According to the FIR lodged, on the date of incident the applicants and the co-accused persons, who were 10-11 in numbers, because of some enmity had taken complainant Vikalp Dubey and Rupesh @ Golu by force to a rice mill where both of them were assaulted by clubs and hockey sticks causing injuries to them.

7. Considered on the submissions made and the contents of the case diary. Though the injuries caused are reported to be simple as well as grievous, but there is no specific report that any of the injuries caused to the victim could have been fatal and also for the reason that similarly placed co-accused persons have been granted anticipatory bail, I feel inclined to allow these applications.

8. Consequently, all these three anticipatory bail applications are 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge