

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 497 of 2019**

1. Gopal Daharia, S/o Koduram, Aged About 55 Years, By Caste - Satnami, Occupation - Cultivator, R/o Village Kathapali (Dongri), Police Station And Tahsil Baloda, District Janjgir Champa Chhattisgarh.
2. Subhash Daharia S/o Gopal Daharia Aged About 24 Years By Caste - Satnami, Occupation - Cultivator, R/o Village Kathapali (Dongri), Police Station And Tahsil Baloda, District Janjgir Champa Chhattisgarh.
3. Rajkumar, S/o Baisakhu Aged About 40 Years, By Caste - Satnami, Occupation - Cultivator, R/o Village Kathapali (Dongri), Police Station And Tahsil Baloda, District Janjgir Champa Chhattisgarh.
4. Padumlal, S/o Ramlal Aged About 40 Years, By Caste - Satnami, Occupation - Cultivator, R/o Village Kathapali (Dongri), Police Station And Tahsil Baloda, District Janjgir Champa Chhattisgarh.,
5. Nikaram S/o Baisakhu Aged About 48 Years By Caste - Satnami, Occupation - Cultivator, R/o Village Kathapali (Dongri), Police Station And Tahsil Baloda, District Janjgir Champa Chhattisgarh.

**---- Applicants**

**Versus**

1. State Of Chhattisgarh Through The Magistrate, Janjgir, District Janjgir Champa Chhattisgarh.
2. Satyaprakash Daharia S/o Kamal Prasad Daharia Aged About 25 Years Caste - Satnami, R/o Village - Kathapali (Dongri), Police Station And Tahsil Baloda, District-Janjgir Champa Chhattisgarh.

**---- Respondent**

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| For Applicant        | : | Mr. Santosh Kumar Verma, Advocate. |
| For Respondent/State | : | Mr. Arun Shukla, Govt. Advocate.   |
| For Objector         | : | Mr. N.K. Chatterjee, Advocate.     |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**16/05/2019**

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Complaint Case

No.266/2019 registered at Police Station-Baloda, District-Janjgir-Champa(C.G.), for the offence punishable under Sections 395, 500, 383, 34 of the Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against them. Similarly placed 30 other accused persons have been granted anticipatory bail by the Court below, therefore, on the ground of parity, these applicants are also entitled for grant of anticipatory bail, hence, it is prayed that application be allowed.
3. Learned counsel for respondent No.2/complainant opposes the bail application and submissions made in this respect. It is submitted that the offence has been committed under the leadership of these applicants along with the rest of the accused persons, therefore, these applicants are not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, on the date of incident these applicants along with 30 other persons committed the offence of loot of fishing net of the complainant from his bond containing 5 quintals of fish. Hence, this case.
6. Looking to the nature of the case and also that similarly placed co-accused persons have been granted anticipatory bail by the Court below, for this reason, I feel inclined to allow the bail application of these applicants.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing 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 him by the said Court till disposal of the trial.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

**Nisha**