

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 478 of 2019

- Ashif Khan S/o Maksud Ali, Aged About 21 Years, R/o Near Hanuman Mandir, Pendra, Tahsil- Pendra, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

MCRCA No. 526 of 2019

1. Tushar Jaiswal @ Tashu S/o Shri Omprakash Jaiswal, Aged About 31 Years, R/o Pendra, P. S. Pendra, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Rohit Agrawal S/o Shri Jugalkishore Agrawal, Aged About 29 Years, R/o Pendra P.S. Pendra District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Incharge Police Station Pendra, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Yogendra Chaturvedi, Advocate (in MCRCA No.478 of 2019) and Shri Ankit Singhal, Advocate (in MCRCA No.526 of 2019).

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

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

08-04-2019

1. As both these applications arise out of the same crime number, i.e. Crime No.319/2017, registered at Police Station Pendra, District Bilaspur, C.G., they are being decided by this common order.

2. MCRCA No.526 of 2019 has been filed by applicants Tushar Jaiswal @ Tashu and Rohit Agrawal under Section 438 of the Cr.P.C. for grant of anticipatory bail as they are apprehending arrest in connection with aforesaid crime number for offence under Section 147, 294, 186, 353, 332, 506 of the IPC.

3. MCRCA No.478 of 2019 has been filed by applicant Ashif Khan under Section 438 of the Cr.P.C. for grant of anticipatory bail as he is apprehending arrest in connection with aforesaid crime number for offence under Section 147, 294, 353, 332, 506 of the IPC.

4. It is submitted by learned counsel for the applicants in both the applications that the applicants have been falsely implicated in this case. No case is made out against them. Names of these applicants have appeared in the FIR, but there is no specific statement about their participation in commission of the offence. Similarly placed co-accused persons have been granted anticipatory bail by this Court. Therefore, it is prayed that these applications may be allowed.

5. Learned counsel for the State/non-applicant opposes the applications submitting that names of these applicants find specific mention in the FIR and these applicants were making attempt to protect the gamblers from the police raid, therefore, they are not entitled for grant of anticipatory bail.

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

7. In the FIR lodged, it is alleged that these applicants and others were clearly taking side of the gamblers and creating obstruction in the raid and the other proceedings taken up by the police party. Therefore, they have been made accused in this case.

8. As there is no specific allegations against these applicants by naming them by any of the witnesses, further, for the reason that similarly placed co-accused persons have been benefited with grant of anticipatory bail, I feel inclined to allow these applications.

9. Accordingly, both the 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.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge