

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 631 of 2019

1. Banshgopal, S/o Bhupat Aged About 60 Years, By Caste Kenwat, R/o Village Baraur, Police-Station-Marwahi, District Bilaspur Chhattisgarh.
2. Eklavya, S/o Banshgopal, Aged About 25 Years, By Caste Kenwat, R/o Village Baraur, Police Station Marwahi , District Bilaspur Chhattisgarh.

---- Appellants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Marwahi, District Bilaspur Chhattisgarh.

---- Respondent

For Applicants : Mr. Shikhar Bakhtiyar, Advocates.
For Respondent/State : Mr. Rahim Ubwani, Panel Lawyer.

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

13/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.84/2017 registered at Police Station-Marwahi, District – Bilaspur(C.G.), for the offence punishable under Sections 147, 186, 332, 294, 506 & 353 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. These applicants have not committed the offence as it is alleged and registered against them. Similarly placed co-accused Ram Kumar and other co-accused have been granted anticipatory bail, therefore, it is prayed that they may

also be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that in that incident three police officials were injured by the mob of which these applicants were the part, therefore, the applicants are not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, on the date of incident death of a person resulted in motor accident. Villagers of the vicinity got agitated who created a road jam and were making demand for compensation to be given to the family of the deceased. The police personnel arrived on the spot to control the mob and, thereafter, a scuffle took place between the members of the mob and policemen, in which, some of police personnel got injured. Hence, this case.
6. After considering on the entire material present in the case diary, I feel inclined to allow the application of both these applicants.
7. Accordingly, the anticipatory bail application of applicants are allowed and it is directed that in the event of their arrest 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 applicant 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha