

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 807 of 2019**

1. Vijay Rajput s/o late Mohan Lal Rajput, aged about 33, occupation – Business.
2. Suresh Talreja, s/o Shri Kanhaiyalal, aged about 35 years, occupation – Business.
3. Ajay Kumar Batra S/o late Bhimandas Talreja, aged about 42 years, occupation – Business.

All resident of Sindhi Colony, Kachchi Kholi, Raigarh, Tahsil and District Raigarh, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through the Station House Officer, police station – Chakradhar Nagar, Raipur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Kishore Bhaduri and Shri Pawan Kesharwani, Advocates.
For the Respondent/State	:	Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.06.2019**

1. At the outset, learned counsel for the applicants seek permission to withdraw the bail application of applicant No.1 – Vijay Rajput.
2. Accordingly, the bail application of applicant No.1 – Vijay Rajput is dismissed as withdrawn.
3. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to applicants No. 2 & 3 who are apprehending arrest in connection with Crime No. 84 of 2019

(84/2016 wrongly mentioned in the order), registered at Police Station – Chakradhar Nagar, Raigarh, Chhattisgarh for the offence punishable under Sections 186, 294, 332, 353 and 506/34 of the Indian Penal Code.

4. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against these applicants on the basis of the material placed before the Court by the prosecution. These applicants were present on the spot objecting to the construction of drainage works because of which, the construction of these applicants were proposed to be demolished therefore, a simple dispute had taken place despite that false FIR has been lodged making various allegations against these applicants. The act, if any, happened then for that it was applicant No.1 – Vijay Rajput was responsible who had actively participated and not these applicants. Hence, it is prayed that these applicants be benefited with grant of anticipatory bail.

5. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that both the applicants were illegal encroachers of the Municipal land and they have intentionally obstructed the Municipal Officers in performing their duties, threatened and assaulted them and thus, deterred them from performance of their duties. Hence, no case is made out for grant of anticipatory bail to these applicants.

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

7. According to the prosecution case, complainant – Rajesh Kumar Pandey who is a Junior Sanitary Inspector in Municipal Corporation, Raigarh

alongwith his team boys on the spot for the performance of construction of drainage work, when he was accosted by co-accused – Vijay Rajput and then the complainant was abused, threatened and assaulted with brick bats because of which, he has suffered some injuries. Hence, this case.

8. Considering the role played by these applicants in the incident that has occurred and the allegation is that they were under the leadership of co-accused. Hence, after due consideration on all the aspects in this case, I am of the considered view that the present is a fit case where applicants No. 2 & 3 should be benefited with grant of anticipatory bail.

9. 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 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. They shall also abide by the following conditions:

- '(i) that applicants No. 2 & 3 shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that applicants No. 2 & 3 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that applicants No. 2 & 3 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that applicants No. 2 & 3 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

Nimmi