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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1224 of 2019**

1. Santosh Dahariya S/o Phool Singh Aged About 37 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
2. Ramphal S/o Heeralal Jogi Aged About 42 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
3. Savitri Dahariya W/o Santosh Dahariya Aged About 37 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
4. Vrishketu Jogi S/o Heeralal Jogi Aged About 32 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
5. Naresh Jogi S/o Samelal Jogi Aged About 42 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
6. Amit Jogi S/o Sarju Jogi Aged About 22 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
7. Yashwant Koshle S/o Manharan Koshle Aged About 22 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
8. Sushil Jogi S/o Samelal Jogi Aged About 43 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
9. Vinod Dahariya S/o Phool Singh Aged About 30 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
10. Angad Jogi S/o Samelal Jogi Aged About 45 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
11. Manharan Jogi S/o Bali Jogi Aged About 25 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
12. Sarju Jogi S/o Samelal Jogi Aged About 56 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
13. Neera Dahariya W/o Phool Singh Aged About 65 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
14. Rekha Dahariya W/o Rajesh Dahariya Aged About 34 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
15. Aarti Dahariya W/o Sikandar Dahariya Aged About 21 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.
16. Ajay Jogi S/o Sarju Aged About 28 Years R/o Sambalpur, Police Station And Tehsil Bilha, District Bilaspur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Bilha,
District Bilaspur Chhattisgarh.

---- Respondent

For the Applicants	:	Ms. Jyoti Rathore, Advocate.
For the Respondent/State	:	Mr. Arijit Tiwari, P.L.
For the Objector	:	Mr. Ashish Shukla, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

06.09.2019

1. Learned counsel for the applicants prays for withdrawal of the application of applicants No.1 – Santosh Dahariya, No.4 – Vrishketu Jogi, No.5 – Naresh Jogi, No.6 – Amit Jogi, No.9 – Vinod Dahariya, No.10 – Angad Jogi and No.16 – Ajay Jogi.

2. Accordingly, the application of applicants No.1 – Santosh Dahariya, No.4 – Vrishketu Jogi, No.5 – Naresh Jogi, No.6 – Amit Jogi, No.9 – Vinod Dahariya, No.10 – Angad Jogi and No.16 – Ajay Jogi stands dismissed as withdrawn.

3. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

4. 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 – Ramphal, No.3 – Savitri Dahariya, No.7 – Yashwant Koshle, No.8 – Sushil Jogi, No.11 – Manharan Jogi, No.12 – Sarju Jogi, No.13 – Neera Dahariya, No.14 – Rekha Dahariya, and No.15 – Aarti Dahariya who are apprehending arrest in connection with Crime No. 159 of 2019 (wrongly mentioned as 158/2019 in the order sheet), registered at Police Station – Bilha, District Bilaspur, Chhattisgarh for the offence punishable under Section 294, 506, 323, 324, 147 and 307 of the Indian Penal Code.

5. It is submitted by counsel for the applicants that applicants No.2 – Ramphal, No.3 – Savitri Dahariya, No.7 – Yashwant Koshle, No.8 – Sushil Jogi, No.11 – Manharan Jogi, No.12 – Sarju Jogi, No.13 – Neera Dahariya, No.14 – Rekha Dahariya, and No.15 – Aarti Dahariya have been falsely implicated in this case. There is no statement given by any of the witnesses of the case regarding their active participation in the commission of offences. Further, these applicants were not present on the spot when the incident took place. A counter case has also been registered against the complainant's side for the offences under Sections 147, 294, 323 and 506 of the IPC. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

6. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the investigation is under initial stage therefore, the evidence may be collected against these applicants. Hence, no case is made out for grant of anticipatory bail to the applicants.

7. Learned counsel for the objector submits that complainant – Sohan Banjare in this case has received fatal injury on his head because of which, he had to undergo treatment and his condition was critical for sometime and further, sister of the complainant has also received injuries in the same incident who was carrying pregnancy at an advanced stage. As a result of injury, she has delivered a dead child. Hence, no case is made out for grant of anticipatory bail to the applicants.

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

9. According to the prosecution case, on the date of incident when complainant – Sohan Banjare had been to the house of Sanju for having liquor, the applicants alongwith other co-accused persons formed an unlawful assembly and then abused, threatened and assaulted the complainant and others causing various injuries to them. The offence under Section 307 of the IPC has been registered on the basis of the injury caused to the complainant. Hence, this case.

10. On perusal of the diary statement of all the witnesses, it is found that there is no specific allegation against these applicants regarding their active participation, therefore, I feel inclined to grant anticipatory bail to applicants No.2 – Ramphal, No.3 – Savitri Dahariya, No.7 – Yashwant Koshle, No.8 – Sushil Jogi, No.11 – Manharan Jogi, No.12 – Sarju Jogi, No.13 – Neera Dahariya, No.14 – Rekha Dahariya, and No.15 – Aarti Dahariya.

11. Accordingly, the anticipatory bail application of applicants No.2 – Ramphal, No.3 – Savitri Dahariya, No.7 – Yashwant Koshle, No.8 – Sushil Jogi, No.11 – Manharan Jogi, No.12 – Sarju Jogi, No.13 – Neera Dahariya, No.14 – Rekha Dahariya, and No.15 – Aarti Dahariya is allowed and it is directed that in the event of arrest of applicants No.2 – Ramphal, No.3 – Savitri Dahariya, No.7 – Yashwant Koshle, No.8 – Sushil Jogi, No.11 – Manharan Jogi, No.12 – Sarju Jogi, No.13 – Neera Dahariya, No.14 – Rekha Dahariya, and No.15 – Aarti Dahariya 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 – Ramphal, No.3 – Savitri Dahariya, No.7 – Yashwant Koshle, No.8 – Sushil Jogi, No.11 – Manharan Jogi, No.12 – Sarju Jogi, No.13 – Neera Dahariya, No.14 – Rekha Dahariya, and No.15 – Aarti Dahariya shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that applicants No.2 – Ramphal, No.3 – Savitri Dahariya, No.7 – Yashwant Koshle, No.8 – Sushil Jogi, No.11 – Manharan Jogi, No.12 – Sarju Jogi, No.13 – Neera Dahariya, No.14 – Rekha Dahariya, and No.15 – Aarti Dahariya 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 – Ramphal, No.3 – Savitri Dahariya, No.7 – Yashwant Koshle, No.8 – Sushil Jogi, No.11 – Manharan Jogi, No.12 – Sarju Jogi, No.13 – Neera Dahariya, No.14 – Rekha Dahariya, and No.15 – Aarti Dahariya shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicants No.2 – Ramphal, No.3 – Savitri Dahariya, No.7 – Yashwant Koshle, No.8 – Sushil Jogi, No.11 – Manharan Jogi, No.12 – Sarju Jogi, No.13 – Neera Dahariya, No.14 – Rekha Dahariya, and No.15 – Aarti Dahariya 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