

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1544 of 2019**

1. Devendra Kumar Sharma, S/o. - Late Shri Badri Prasad Sharma, Aged About 33 Years, R/o. - Village Gendpur, Tahsil Sahaspur Lohara, Police Station Kawardha, District Kabirdham Chhattisgarh.
2. Raju Sahu, S/o. - Jethuram Sahu, Aged About 24 Years, R/O. - Village Gendpur, Tahsil Sahaspur Lohara, Police Station Kawardha, District Kabirdham Chhattisgarh
3. Tuleshwar @ Balwant Sahu, S/o. - Shri Jhadiram Sahu, Aged About 27 Years, R/O. - Village Gendpur, Tahsil Sahaspur Lohara, Police Station Kawardha, District Kabirdham Chhattisgarh

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Kawardham District Kabirdham Chhattisgarh

---- Respondent

For Applicants : Mr. Lav Sharma, Advocate

For Respondent : Mr. Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/10/2019**

1. Apprehending arrest in connection with Crime No.381/2019, registered at Police Station – Kawardha, District – Kabirdham (C.G.) for offence punishable under Section 147, 294, 323, 427, 452, 506 of the Indian Penal Code and Section 3, 4 of Prevention of Damage to Public Property Act, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No offence has been committed by these applicants. In-fact, the applicants and others were present in the electricity sub-station to agitate for power cut, which had continued for some days, therefore, dispute

arose and false FIR has been registered against the applicants. Hence, it is prayed that they may be granted anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that there is named FIR against the applicants and the allegations are also made against them regarding commission of offence. Therefore, they are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, on the date of incident, these applicants and others gathered in the electricity sub-station demanding from persons present there to start the supply of electricity, when the complainant Mahendra kumar Singh, who was junior engineer present in the sub-station tried to pacify them, he was abused, threatened, assaulted and beaten. Thereafter, these applicants and the mob present with them also caused damage to the property present in the sub-station. It is also alleged that because of the activities of these applicants and others, the power supply remained stopped for about two hours, which has caused loss to the transmission company.
6. Considered the submissions made and the contents of the case diary. Considering that the applicants and others have been stopped because they have grievance for non-supply of electricity for their agricultural fields and out of that offences that are registered only Section 452 of I.P.C. is non-bailable, which is not a main offence, hence for these reasons, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 each 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 them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge