

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1764 of 2019

- Arun Kumar Chaudhary S/o Khem Kumar Aged About 32 Years Occupation Agriculture And Service, R/o Village Paata, Police Station Tamnar, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tamnar, District Raigarh, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1845 of 2019

- Piyush Patnaik S/o Prafull Patnaik Aged About 19 Years Occupation Student, R/o Bazarpara Under, Tamnar, Raigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tamnar, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No. 1764/2019): Ms. Madhunisha Singh,
Advocate.

For Applicant (In MCRCA No. 1845/2019): Mr. Sanjay Agrawal, Advocate.
For Respondent/State : Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/12/2019

1. Since both the bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 187/2019, registered at Police Station Tamnar, Distt. Raigarh (C.G.) for the offence punishable under Sections 147, 148, 153, 186, 294, 323, 353, 332, 506 & 109 of the IPC.
3. As per prosecution story, on 27.09.2019, a meeting of public hearing was organized at Village Dolesara regarding environmental knowledge, where the police authorities were engaged for protection and maintaining peace, allegedly, at the time of meeting some local N.G.O.'s members obstructed the meeting and they deterred the complainant from discharge his duty. On 28.09.2019, report has been lodged by the complainant in this regard. On the basis of said report, offence has been registered.
4. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated by the complainant to pressurize them in the present case. Allegedly 40-50 persons intervene in the meeting to falsely implicating the applicants. They further submit that the incident was occurred on 27.09.2019 at about 5:30 PM and the report was lodged on 28.09.2019 at about 7:15 PM. The complainant is the police personnel and they have not lodged the complaint immediately after the incident. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes

the bail applications.

6. I have heard learned Counsel for the parties and perused the case diary minutely.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced learned counsel appearing for the parties and further considering the fact that the complainant is the police personnel and he has lodged complaint after 24 hours of the incident, without further commenting on other merits of the case, in my considered opinion, the present applicants are entitled to grant of anticipatory bail.
8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge