

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1590 of 2018

- Laljeet Ratre S/o Chhatram Ratre Aged About 23 Years, R/o Village-Sarsamar (Chhal), Tahsil- Dharamjaigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Chhal, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

MCRC No. 9954 of 2018

- Lachhan Shandilya S/o Sadhram Shandilya Aged About 28 Years, R/o Village Sarasmal Thana Chhaal, Tahsil Dharmjaygarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicants – Ms. Sharmila Singhai and Mr. Sanjay Agrawal, Advocates (in MCRCA No.1590 of 2018),
Mr. Nilkanth Malaviya, Advocate (in MCRC No.9954 of 2018).
For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

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

03-01-2019

1. As both these applications arise out of the same crime number, i.e., Crime No.168/2018, registered at Police Station - Chhal, District- Raigarh, C.G., they are being decided by this common order.

2. MCRCA No.1590 of 2018 has been filed under Section 438 of the Cr.P.C. by applicant Laljeet Ratre for grant of anticipatory bail as he is apprehending arrest in the aforesaid crime number for the offence under Section 294, 506, 323, 327, 384, 34 of the IPC.

MCRC No.9954 of 2018 has been filed by applicant Lachhan Shandilya under Section 439 of the Cr.P.C. for grant of regular bail as he has been arrested on 23-10-2018 in connection with aforesaid crime number for the

offence under Section 294, 506, 323, 327, 384 r.w. 34 of the IPC.

3. It is submitted by learned counsel for the applicant Laljeet Ratre (applicant in MCRCA No.1590 of 2018) that name of this applicant was not present in the written complaint given by the complainant and in the FIR lodged, further, his name has also not clearly reflected in the statement recorded under Section 161 of the Cr.P.C. Therefore, no case is made out against him, hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.

4. On behalf of applicant Lachhan Shandilya (applicant in MCRC No.9954 of 2018) it is submitted by the counsel that this applicant has been falsely implicated in this case and no case is made out against him, according to the material present in the charge sheet filed. Therefore, it is prayed that this applicant may be granted regular bail.

5. Learned counsel for the State/non-applicant opposes both the applications submitting that there is clear evidence against both the applicants, hence, they may not be released on bail.

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

7. It is alleged that on 05-10-2018 applicant Lachhan Shandilya along with Amrud @ Amrit Bharadwaj accosted complainant Suresh Kumar Sahu and made demand of Rs.1500/- to be collected against purchase made in the market from each bullock owners. When the complainant refused, the accused persons abused, threatened and thrashed him and also looted one mobile phone from him. Hence, this case.

8. After considering on the entire material present in the case diary, it appears that a case is made out in favour of applicant Laljeet Ratre (applicant in MCRCA No.1590 of 2018) for grant of anticipatory bail, whereas, in the matter of co-accused Lachhan Shandilya (applicant in MCRC No.9954 of 2018), similarly placed co-accused Amrit Bharadwaj has been benefited with grant of regular bail by this Court, charge sheet has been filed and there is no

requirement of his further detention, hence, for these reasons, I am of this view that his application for grant of regular bail also deserves to be allowed.

9. Accordingly, the anticipatory bail application (MCRCA No.1590 of 2018) filed by applicant Laljeet Ratre is allowed. It is directed that in the event of arrest of applicant Laljeet Ratre in connection with the aforesaid offence, he shall be released on bail by the officer arresting him 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. This applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

10. MCRC No.9954 of 2018 filed by applicant Lachhan Shandilya under Section 439 of the Cr.P.C. for grant of regular bail is also allowed. It is directed that this applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge