

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1807 of 2019

- Siddharth @ Siddhu Bagani S/o Ramesh Bagani, Aged About 30 Years R/o Ganj Road, Nawapara, Rajim, Police Station - Gobra - Nawapara, District - Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Gobra Nawapara, District - Raipur Chhattisgarh.

---- Respondent

AND

MCRCA No. 1888 of 2019

- Rajat Bagani S/o Ramesh Bagani Aged About 30 Years R/o Ganj Road, Nawapara, Rajim, Police Station Gobra Nawapara, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gobra Nawapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Shri Awadh Tripathi, Advocate.

For Respondent/State : Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

11/12/2019

Heard.

1. Since, both the cases arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 406/2019 registered at Police Station Gobra-Nawapara, District – Raipur, (C.G.). for the offence punishable under Sections 294, 323, 506, 353, 332, 186, 34 of Indian Penal Code.
3. As per the prosecution story, on 04.10.2019 around 1:35 PM complainant Naveen Kumar Sahu, Assistant Grade -III, Nagar Palika, Gobra-Nawapara, Raipur, was doing his official work in his office. Allegedly, at that time, both the present applicants entered in his office and started arguing with him regarding tender saying that he had issued the tender to some other person instead of them. It is alleged that both applicants abused the complainant, assaulted him and threatened him. Also, they have restrained the complainant in doing his official work. On the basis of the above, offence has been registered.
4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that both the applicants have got

annual tender for the year 2019-20 for several work relating to material supply from C.M.O., Nagar Palika Parishad, Gobra-Nawapara and accordingly, work order has been issued in their favour. Applicant Rajat Bagani (MCRCA No. 1888/2019) is the proprietor of S.R.B. Construction, Gobra-Nawapara. Since, some irregularities were committed by C.M.O., Nagar Palika, in the online tender process, therefore, applicants filed several complaint against C.M.O. to the Director, Nagariya Nikay and Vikas Vibhag, Raipur and the C.M.O, after knowing about the said complaint annoyed with the applicants, for the very reason inspite of the acceptance of the tender relating to G.I. Pipe and other related materials for the very purpose to harass and humiliate the applicants, given order to purchase the material from other vendor. After knowing the aforesaid fact, on 04.09.2019, applicant Rajat Bagani made some query from the complainant and then some dispute took place between both the parties. Thereafter, applicant Siddharth & Siddhu Bagani (MCRCA No. 1807/2019) tried to avoid the quarrel between them. Later on, a false and fabricated complaint has been lodged by the complainant. It is further submitted that applicants are a reputed businessmen. Therefore, looking to the above, it is prayed that, applicants may be granted benefit of anticipatory bail.

5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties and perused the material available with due care.
7. Taking into consideration the submissions put-forth on behalf of the

parties, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that sufficient evidence is available against applicant Rajat Bagani (MCRCA No. 1888/2019) for his involvement in crime in question, therefore, I am not inclined to extend the benefit of anticipatory bail to him, however, liberty is granted to applicant Rajat Bagani (MCRCA No. 1888/2019) that, in the event of his surrender before the trial Court and filing of the regular bail application on his behalf, trial Court is directed to decide the bail application of the applicant Rajat Bagani as early as possible, probably on the date of filing itself.

8. With regard to applicant Siddharth @ Siddhu Bagani (MCRCA No. 1807/2019), from perusal of case diary, it appears that at the place of incident, main allegations have been made against applicant Rajat Bagani and applicant Siddharth Bagani intervened in the incident to avoid chaos and mar-pit between parties, thus, no allegation is made against him, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to applicant Siddharth @ Siddhu Bagani.
9. Accordingly, the bail application is allowed with respect to applicant Siddharth @ Siddhu Bagani (MCRCA No. 1807/2019).
10. It is directed that in the event of arrest of the applicant Sidharth @ Siddhu Bagani (MCRCA No. 1807/2019) in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for

the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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 fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge