

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1633 of 2018

1. Pavitra Sahu S/o Degreelal Sahu Aged About 34 Years, Caste - Teli, R/o Village - Nayapara, Chowki - Baloda, Police Station - Saraipali, District - Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Saraipali, District - Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

MCRCA No. 1680 of 2018

1. Devarchan Sahu S/o Degreelal Sahu Aged About 29 Years (Wrongly Mientoned As Decreelal Sahu) R/o Village Nayapara, Chowki Baloda, Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Taruni D/o Rajkumar, Aged About 47 Years, R/o Village Nayapara, Chowki Baloda, Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
3. Degreelal S/o Rajkumar, Aged About 56 Years, R/o Village Nayapara, Chowki Baloda, Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
4. Bhanumati W/o Degreelal Sahu, Aged About 50 Years (Wrongly Mentioned As Decreelal Sahu) R/o Village Nayapara, Chowki Baloda, Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
5. Gourishankar S/o Safed Mahapatra, Aged About 35 Years, Cast Brahman, R/o Village Nayapara, Chowki Baloda, Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicants – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Vijay Bahadur 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.415/2018, registered at Police Station Saraipali, District Mahasamund, Chhattisgarh for the offence under Section 186, 294, 323, 332, 341, 353 of the IPC, they are being decided by this common order.

2. At the outset, learned counsel for applicants prays to withdraw MCRCA No.1633 of 2018 which has been filed on behalf of applicant Pavitra Sahu and he also prays to withdraw the application filed on behalf of applicant No.1 Devarchan Sahu, applicant No.3 Degreelal and applicant No.5 Gourishankar in MCRCA No.1680 of 2018 seeking issuance of direction to the concerned Court to consider and decide the regular bail application of these applicants preferably on the same day on which they surrender before the said Court.

3. Consequently, MCRCA No.1633 of 2018 filed by applicant Pavitra Sahu under Section 438 of the Cr.P.C. for grant of anticipatory bail is disposed off as withdrawn. Also, the application filed by applicant No.1 Devarchan Sahu, applicant No.3 Degreelal and applicant No.5 Gourishankar in MCRCA No.1680 of 2018 for grant of anticipatory bail is disposed off as withdrawn. The concerned Court is directed to consider and decide the regular bail application of these applicants preferably on the same day on which they surrender before the said Court, if practicable.

4. Learned counsel for applicant No.2 Taruni and applicant No.4 Bhanumati (applicant No.2 and applicant No.4 in MCRCA No.1680 of 2018) submits that these applicants have been falsely implicated in this case. No case is made out against them. The fact is this, that police personnel had first assaulted the accused persons and thereafter have lodged the false FIR making false allegations against these applicants. Hence, it is prayed that these applicants being women were not involved in the said incident, therefore, they may be benefited with grant of anticipatory bail.

5. Learned counsel for the State/non-applicant opposes the prayer made by learned counsel for applicant No.2 and applicant No.4 in MCRCA No.1680

of 2018.

6. The police personnel of Police Chowki Baloda were traveling in a private car when they found a road block because of wrong parking of a motorcycle, they asked co-accused Pavitra Sahu to remove the motorcycle, to which he quarreled with them and thereafter the police personnel left the place. When the complainant and others were coming back in the same car it is alleged that the co-accused persons and these applicants blockaded the path and then abused, assaulted and prevented the police personnel from performing their official duties. Hence, this case.

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

8. After due consideration on the material present in the case diary and for the reason that both these applicants (applicant No.2 and applicant No.4 in MCRCA No.1680 of 2018) are women, I feel inclined to allow their prayer for grant of anticipatory bail.

9. Accordingly, the prayer made by applicant No.2 Taruni and applicant No.4 Bhanumati in MCRCA No.1680 of 2018 for grant of anticipatory bail is allowed. It is directed that in the event of arrest of applicant No.2 Taruni and applicant No.4 Bhanumati in MCRCA No.1680 of 2018 in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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.

These applicants shall also abide by the following conditions :

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

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil