

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1670 of 2018

1. Om Singh Maravi S/o Joidha Singh aged about 30 Years R/o Village Ushlapur ,police Station Sakri, Tahsil and District-Bilaspur Chhattisgarh.
2. Vijay Kahar @ Vikki S/o Laxmad Prasad Kahar Aged About 25 Years R/o Village Lokhandi, Police Station-Sakri, Tahsil Bilaspur District Bilaspur Chhattisgarh. (Note Police Station Wrongly Mentioned In Impugned Order).
3. Dukhu Yadav S/o Late Hiralal Yadav aged about 41 Years R/o Village Dhaurabhata, Police Station Hirri, Tahsil-Bilha, District-Bilaspur Chhattisgarh. (Note Village Wrongly Mentioned In Impugned Order), District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through Police Station Bilha-District -Bilaspur , Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Vikas Pandey, Advocate.

For Respondent : Mrs. Madhunisha Singh, Panel Lawyer.

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

07/01/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.172/2018 registered at Police Station-Bilha, Civil District – Bilaspur(C.G.), for the offence punishable under Sections 147, 148,

341, 294, 506(B) & 307 of Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. Similarly placed co-accused persons have granted anticipatory bail by this Court in MCRCA No.1120 of 2018. Hence, it is prayed that these applicants may also be enlarged on anticipatory bail.
3. Learned State Counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. On the date of incident, it is alleged that this applicant raised a dispute regarding the death of driver Videshi Nishad for which the complainant G.M. Pandey, was assaulted by co-accused Ajay Dhruw with a rod causing injuries to him. Hence, this case.
6. According to medical report, the complainant has suffered simple injuries and also for the reason that the similarly placed co-accused have been granted anticipatory bail, I am of this view that this is a fit case where the applicants should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the sum of Rs.25,000/- each with one surety 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge