

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1683 of 2018**

1. Ramsubaran Jangde S/o Mr. Gopal Ram Jangde Aged About 28 Years R/o Village Hardi, Police Station Malkharouda, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Jivan Lal S/o Mr. Gurbin Ram Aged About 50 Years R/o Village Uchchpinda, Police Station And Tahsil Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Dabhara, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For the Applicants : Shri Kamal Kishore Patel, Advocate.
 For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.02.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 248 of 2009, registered at Police Station – Dabhara, Janjgir-Champa, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 307, 323, 294, 333 and 506 read with Section 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants. The applicants were present with the group of persons carrying out peaceful agitation. Some members of the mob resorted to violence in which these applicants have not participated. Similarly placed co-accused persons have been granted bail by this Court. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. On 12.10.2009, villagers who had complaints with the rehabilitation policy of the State Government subsequent to acquisition of land for R.K.M. Power Plant. Some members of the mob resorted to violence and assaulted the police personnels. Hence, this case.

7. Considering the submissions and the contents of the case-diary, taking into consideration the fact that similarly placed co-accused persons have been granted anticipatory bail by this Court, I am of the considered opinion that the applicants deserve to be released on bail.

8. Accordingly, the anticipatory bail applications are 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 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. They 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 them 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