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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 1705 of 2018**

1. Chhotelal S/o Banshilal Sahu Aged About 19 Years R/o Village Hasuwa, Police Station Gidhori, District Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Ganesh Ram S/o Mahettar Sahu Aged About 58 Years R/o Village Hasuwa, Police Station Gidhori, District Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
3. Dewanand S/o Nammu Sahu Aged About 43 Years R/o Village Hasuwa, Police Station Gidhori, District Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
4. Gajendra S/o Ram Sahu Aged About 23 Years R/o Village Hasuwa, Police Station Gidhori, District Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
5. Motilal S/o Ravishanker Sahu Aged About 28 Years R/o Village Hasuwa, Police Station Gidhori, District Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
6. Ankit Sahu S/o Manbodh Sahu Aged About 23 Years R/o Village Ahilda, Police Chowki, Lawan, Police Station Kasdol District Baloda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

**---- Applicants****Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Gidhori, District Baloda, Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

**---- Respondent**


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For the Applicants : Shri C.R. Sahu, Advocate.  
 For the Respondent/State : Shri Neeraj Kumar Mehta, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****07.01.2019**

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. 71 of 2018, registered at Police Station – Gidhori, District Baloda Bazar, Bhatapara, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 186, 189, 353, 332 and 427 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 on the basis of the material placed before the Court by the prosecution. The applicants and others were peacefully agitating and making a demand for payment of compensation to the dependents of the deceased persons who have expired in the car accident. As the car belonged to a political leader, the police came and tried to use force because of which, some persons in the mob were manhandled and exchange of words have taken place but these applicants were not engaged in the same. 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. It is submitted that all the applicants have been clearly named in the FIR lodged and in this incident these applicants alongwith mob have deterred the public servants for performing their duties by assaulting and injuring them. Hence, for these reasons, these applicants are not entitled for grant of anticipatory bail.

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

6. On the date of incident, a car accident occurred in village – Hasuwa where two persons died on the spot. It is mentioned in the FIR that a mob

gathered in the leadership of these applicants and that mob was demanding compensation for the dependents of the deceased persons. The police personnel were trying to pacify the persons agitating, at that time, it is alleged that these applicants alongwith others with intention to deter the police personnel from performing their duties, assaulted and caused injuries to a number of police personnels and also caused damage to the public property. Hence, this case.

7. Considered the entire material present in the case-diary. It appears that it is an incident of scuffle between mob and the police personnel and these applicants though have been identified as the persons present but all the assailants have not been identified. Hence, after due consideration of all the aspects in this case, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. 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 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