

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 43 of 2019**

1. Rajesh Das S/o Makut Das Aged About 41 Years R/o Village Kewali ,police Chowki Jobi ,police Station Kharsiya District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
2. Shravan Das S/o Sanyashi Das Aged About 48 Years R/o Village Kewali ,police Chowki Jobi ,police Station Kharsiya District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
3. Krishna Das S/o Sadhan Das Aged About 55 Years R/o Village Kewali ,police Chowki Jobi ,police Station Kharsiya District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. Munudas S/o Ghasiya Das Aged About 55 Years R/o Village Kewali ,police Chowki Jobi ,police Station Kharsiya District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer ,police Chowki Jobi ,police Station Kharsiya ,district Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicants : Shri Hemant Kumar Patel, Advocate.
 For the Respondent/State : Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.02.2019**

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. 634 of 2017, registered at police chowki Jobi, Police Station – Kharsiya, District Raigarh, Chhattisgarh for the offence punishable under Sections 420, 463, 468 and

471/ 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 on the basis of the material placed before the Court by the prosecution. Similarly placed co-accused persons have been granted regular 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. The case against the applicants is that he was a member of Gram Sabha and present on the date of incident when several proposals were approved. Complainant – Trilochan Das (Kotwar) himself was a member of Gram Sabha and affixed his signature for the approval so made. The allegation is that after leaving complainant – Trilochan Das from the Gram Sabha the same proposal was manipulated for linking one proposal which was included for removal of the complainant from the post of Kotwar. Hence, this case.

7. Considering all the material present in the case-diary and similarly placed co-accused persons have been granted bail by this Court, I feel inclined to grant anticipatory bail to the applicants.

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