

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1752 of 2018**

Manoj Dhvaj @ Mordhwaj, S/o. Shri Darjee Singh Chandra, Aged About 30 Years, R/o. Bansula, Thana Birra, District Janjgir Champa Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Bamhanidih, District Janjgir Champa Chhattisgarh.

---- Respondent

**M.CR.C.(A) No. 1 of 2019**

1. Smt. Pushpa Dewangan, W/o. Arjune Dewangan, Aged About 38 Years,
2. Manoj Jaltare, S/o. Harprasad Jaltare, Aged About 36 Years,  
Both R/o. Village Karnaoud, Police Station Birra, District Janjgir Champa Chhattisgarh.

---- Applicants

**Versus**

State Of Chhattisgarh, Through : S.H.O. Police Station Bamhanidih, District Bilaspur Chhattisgarh.

---- Respondent

**M.CR.C.(A) No. 2 of 2019**

Smt. Shanti Bai Shikari, W/o. Bhaiyaram Shikari, Aged About 60 Years, R/o. Vill. Karnaoud, P.S. Birra, District Janjgir Champa Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through : S.H.O., P.S. Bamhanidih, District Bilaspur Chhattisgarh.

---- Respondent

**M.CR.C.(A) No. 36 of 2019**

Santosh Kumar Kashyap, S/o. Shri Rangnath Kashyap, Aged About 18 Years, R/o. Semariya, Thana -Birra, District -Janjgir Champa Chhattisgarh.

---- Applicant

**Versus**

State Of Chhattisgarh, Through : Station House Officer, police Station Bamhinidih, District Janjgir Champa Chhattisgarh.

---- Respondent

---

|                      |                                                                |
|----------------------|----------------------------------------------------------------|
| For Applicants       | : Mr. Somkant Verma, Advocate<br>Mr. Ravindra Sharma, Advocate |
| For Respondent/State | : Mrs. Madhunisha Singh, Panel Lawyer                          |

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****21/01/2019**

1. All the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. Apprehending arrest in connection with Crime No.56/2018, registered at Police Station – Bamhanidih, District – Janjgir-Champa (C.G.) for offence punishable under Section 147, 186, 341, 427 of the Indian Penal Code and Section 3 and 4 of Prevention of Damage to Public Property Act, the applicants have preferred this application for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. The applicants were simply standing in the mob that went violent and they had not acted in any manner to constitute the commission of offence. Similarly placed co-accused persons Vikash Kumar Tiwari and Rikhiram Dadsena have been granted anticipatory bail by this Court. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that all the applicants have been named in the FIR made in this case, which shows their involvement and participation in the commission of offence, therefore, it is prayed that the applications be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.

6. On the date of incident, for the reasons that the electrical supply was shut down, the villagers of six villages numbers into 200-250 persons gathered outside the electricity supply center Bamnidih and started agitation. The mob went violent and some property of CSPDCL was damaged regarding which FIR has been lodged.
7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and further taking into consideration this fact that similarly placed co-accused persons have been enlarged on bail by this Court, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. 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 each 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.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram