

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1176 of 2020

1. Smt. Harsha Chandrakar (Former Janpad President And Present Distt. Panchayat Member) And Ors. W/o Shri Lokmani Chandrakar Aged About 34 Years R/o Loharsi, Tarra, Patan, istrict : Durg, Chhattisgarh.
2. Lokmani Chandrakar (Circle President (Bjp), Patan) S/o Babulal Chandrakar Aged About 45 Years Loharsi, Tarra, Patan, District : Durg, Chhattisgarh.
3. Khemlal Sahu (Former Sarpanch, Circle President, Patan) S/o Purusottam Sahu Aged About 46 Years R/o H.No- 44, Ward No. 03, Selud, District : Durg, Chhattisgarh.
4. Mordhwaj Sahu Alias Monu Sahu (Distt. Panchayat Member) S/o Khomlal Sahu Aged About 32 Years R/o Amlleswar, Sankra, Patan, District : Durg, Chhattisgarh.
5. Sagar Pathak Alias Raja Pathak (Sangsad Pratinidhi) S/o Krishna Kumar Pathak Aged About 35 Years R/o 145, Rajib Chouk Ward No.- 02, Patan, District : Durg, Chhattisgarh.
6. Ashish Sharma (Work Assistance) S/o Satish Sharma Aged About 36 Years R/o Brahan Para, Patan District : Durg, Chhattisgarh.
7. Kunal Sharma S/o Satish Sharma Aged About 27 Years R/o Brahan Para, Patan, District : Durg, Chhattisgarh.
8. Rakesh Chandra S/o Puran Lal Chandrakar (Sarpanch Jamgaon (M)) Aged About 53 Years R/o Jamgaon (M), Patan, District : Durg, Chhattisgarh.
9. Rajkumar Singh Thakur S/o Manharan Singh Thakur Aged About 35 Years R/o Village - Ruhi, Jamgaon (M), Patan, District : Durg, Chhattisgarh.
10. Jitendra Kumar Sen S/o Lt. Khilawan Sen, Aged About 35 Years R/o Jamgaon (M), Patan, District : Durg, Chhattisgarh.
11. Laleshwar Sahu (Circle President, Patan) S/o Tribhuban Sahu Aged About 52 Years R/o 70, Gotapara, Bellhari, Patan, District : Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station – Amleshwar, District : Durg, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Tarendra Kumar Jha, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29.09.2020

1. The matter is heard through Video Conferencing.
2. The applicants have filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.75/2020, registered at Police Station: Amleshwar, District: Durg (C.G.) for the offence punishable under Section 147, 149, 186, 188, 341, 392, 427 of IPC and Section 03 of Prevention of Damage to Public Property Act, 1984.
3. After arguing at length, learned counsel for the Applicants submits that he wants to withdraw the instant anticipatory bail application with regard to Applicant No.2, 5, 6 & 10. However, he prays that in the event of filing of bail application u/s 439 of Cr.P.C. on behalf of the aforesaid Applicant No.2, 5, 6 & 10, the Trial Court may be directed to decide the said application in accordance with law, as early as possible, probably, on the same date of its filing.
4. In view of the above submission, the instant anticipatory bail application is dismissed as withdrawn with regard to Applicant No.2, 5, 6 & 10.
5. However, the Trial Court is directed that in the event of surrender of the Applicant No.2, 5, 6 & 10 before the Trial Court and filing of bail application on his behalf, the Trial Court shall decide the said application in accordance with law, as early as possible, probably, on the same date of its filing.
6. According to the case of prosecution, on receiving such information from the Excise Department, police officials reached the spot. Allegedly, at that time, the present Applicants along with other persons

were performing *Dharna* in front of the liquor shop. Thereafter, the Applicants along with 100-150 persons forcibly closed the shop, broke the barricades and looted liquor amounting to Rs.54,240/-. On the basis of said, offence has been registered.

7. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. Virtually, at the time of incident, *Dharna* was conducted by mob and the entire incident was committed by mob itself. He also submits that there is no any direct allegations regarding loot against the Applicant No.1, 3, 4, 7, 8, 9, 11 therefore, it is prayed that the Applicant No.1, 3, 4, 7, 8, 9, 11 may be granted benefit of anticipatory bail.
8. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
9. I have heard learned Counsel for the parties.
10. Considering the facts and circumstances of the case and arguments adduced by counsel for the parties particularly considering the contents of FIR, documents annexed with the case-diary and also considering the fact that main allegations are against the Applicant No.2, 5, 6 & 10 and other allegations are against the mob of 100-150 persons, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant of anticipatory bail to the Applicant No.1, 3, 4, 7, 8, 9, 11
11. Accordingly, the anticipatory bail applications are allowed with regard to the Applicant No.1, 3, 4, 7, 8, 9, 11.
12. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;

- II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge

Saurabh