

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 03-12-2020Order delivered on 08-12-2020**MCRCA No. 1461 of 2020**

1. Bhushan Sahu S/o Ratanlal Sahu Aged About 42 Years
Caste - Teli,
2. Shubham Sahu S/o Bhushan Sahu Aged About 20 Years
Caste - Teli,

Both are R/o Village Pirda, Police Station Tumgaon, District
Mahasamund Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer,
Police Station Tumgaon, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants :- Mr. Raghvendra Pradhan, Advocate

For Respondent /State :- Mr. Alok Bakshi, Addl. A.G.

Hon'ble Mr. Justice Prashant Kumar Mishra

CAV ORDER

1. Heard.
2. The applicants have preferred this application for grant of
anticipatory bail, as they apprehend their arrest in
connection with Crime No.97/2020, registered at Police

Station Tumgaon, District- Mahasamund C.G. for offence punishable under Sections 294, 332, 353, 427, 506(B) of the I.P.C.

3. As per the FIR lodged by Bhuru Yadav, an employee of Chhattisgarh State Forest Development Corporation, Barnawapara Project on 13.08.2020, the applicant No.1 Bhushan Sahu caught hold of the informant and applicant No.2 Shubham Sahu along with third accused Arvind Sahu assaulted him by club inflicting injuries over his left leg. The incident happened when the applicants were allegedly removing root-shoot planted by the Forest Department Corporation on forest land.
4. Shri Raghvendra Pradhan, learned counsel for the applicants submits that the applicants were raising protest against inaction of the Forest Authority in removing encroachment and rather allowing fresh encroachment in the forest land, therefore, firstly, they were beaten and thereafter a false report has been lodged against them. He would draw attention of the Court to newspaper cutting and the report lodged by applicant No.1 vide Annexure A-3.
5. Per contra, Mr. Alok Bakshi, learned Additional Advocate General would vehemently oppose the prayer for grant of anticipatory bail. He would submit that government servant

has been deterred from performing official duties which is a serious matter. He would further submit that on radiological examination, the injured has been found to sustain fracture of fibula upper 1/3rd left side, therefore, the applicants are not entitled to be released on bail.

6. In the case diary, injury report of the injuries sustained by Bhuru Yadav is available. Initially injured was only having swelling over lateral side of left thigh and over left leg. He was advised X-ray. The Medical Officer of CHC, Tumgaon has accorded further opinion on 03.09.2020 mentioning that as per X-ray reporting from Higher Center, there is fracture of fibula upper 1/3rd left side. Surprisingly, the report of the 'Higher Center' as mentioned in the note of the Medical Officer of CHC, Tumgaon is not available in the case diary. The X-ray was done on 13.08.2020 itself but there is no separate report with the X-ray plate. Thus, there is no material in the case diary in form of opinion of Radiologist suggesting fracture over left leg.
7. In the above view of the material available in the case diary, *vis-a-vis* considering the submission made by learned counsel for the applicant along with the documents filed with the bail application, it appears to be a fit case for release of the applicants on anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (i) they shall make themselves available for interrogation by a police officer as and when required;
- (ii) they 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 from disclosing such facts to the Court or to any police officer;
- (iii) the applicants shall not influence the witnesses during pendency of the trial.

SD/-
(Prashant Kumar Mishra)
Judge

Ayushi