

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1926 of 2019

1. Nilesh Banjare, S/o. Kumar Das Banjare Aged About 25 Years, Resident Of Purani Basti Satnami Chowk, Balodabazar, District Balodabazar Chhattisgarh.
2. Gendlal Dahariya, S/o. B.R. Dahariya Aged About 26 Years Resident Of Purani Basti Satnami Chowk, Balodabazar, District Balodabazar Chhattisgarh.
3. Rohan Tandan S/o Rohit Tandan Aged About 21 Years Resident Of Purani Basti Satnami Chowk, Balodabazar, District Balodabazar Chhattisgarh.
4. Rahul Tandan S/o Rohit Tandan Aged About 22 Years Resident Of Purani Basti Satnami Chowk, Balodabazar, District Balodabazar Chhattisgarh.
5. Khileshwar Kumar Baghel S/o Sukul Baghel Aged About 22 Years Resident Of Purani Basti Satnami Chowk, Balodabazar, District Balodabazar Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Balodabazar, Chhattisgarh.

---- Respondent

For Applicants	: Shri Anjinesh Shukla, Advocate.
For Respondent/State	: Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

03/03/2020

1. The Applicants are apprehending their arrest in connection with Crime No. 587/2018 registered at Police Station City Kotwali, Balodabazar, (C.G.) for the offence punishable under Sections 147, 149, 186, 294, 323, 332, 336, 353 & 506 of I.P.C.

2. As per the prosecution story, on 25.09.2018 at around 11:15 PM, complainant Dev Narayan Dhruw, and Umesh Chandrawanshi, Constable were in patrolling duty, at that time during *Ganesh Visharjan*, a quarrel took place. When Umesh Chandrawanshi, tried to intervened in the matter, allegedly, present applicants and other co-accused person namely Nandu Tandon abused and assaulted him with stones and also threatened him to kill. They also damaged the government vehicle. After receiving the information, when A.S.I reached the spot, he was also assaulted. Thereafter, report was lodged and on the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that name of the applicants are not mentioned in the F.I.R. Applicants are implicated only on the basis of oral statement of co-accused Nandu. There is no material available on record against the applicants. Looking to the above, it is prayed that present applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application but fairly admits the fact that applicants have been implicated only on the oral statement of main accused Nandu Tandon. He prays that anticipatory bail application should be rejected.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on

each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :

- (i) 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/her from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They 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