

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 4 of 2020

1. Harihar Patel S/o Late Salikram Patel Aged About 64 Years R/o Village Gare, Police Station And Tahsil Tamnar, District Raigarh, Chhattisgarh.
2. Mukesh Chouhan S/o Mahendra Chouhan Aged About 24 Years R/o Village Paata, Police Station And Tahsil Tamnar, District Raigarh, Chhattisgarh.
3. Rohit Chouhan S/o Mahen Ram Chouhan Aged About 29 Years R/o Village Paata, Police Station And Tahsil Tamnar, District Raigarh, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Thana Tamnar, District Raigarh, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1988 of 2019

- Om Prakash Sahu S/o Shri Jogeshwar Sahu Aged About 33 Years Occupation- Agriculture And Trade, R/o. Village- Dolesara, Police Station- Tamnaar, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station-In-Charge, Police Station- Tamnaar, District- Raigarh, Chhattisgarh.

---- Respondent

MCRCA No. 2055 of 2019

- Naveen Kumar Paikra S/o Meghanath Paikra Aged About 37 Years Occupation Government Servant, R/o Village Delesara, P. S. Tamnar, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tamnar, District Raigarh Chhattisgarh

---- Respondent

For Applicant (in MCRCA No. 4/2020) : Mr. Sanjay Agrawal, Advocate.
For Applicant (in MCRCA No. 1988/2019): Mr. Sanjay Agrawal, Advocate.
For Applicant (in MCRCA no. 2055/2019): Mr. Anuroop Panda, Advocate.
For Respondent/State : Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

07/01/2020

1. The applicant has filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 187/2019, registered at Police Station Tamnar, Distt. Raigarh (C.G.) for the offence punishable under Sections 147, 148, 153, 186, 294, 323, 353, 332, 506 & 109, 394 & 120B of the IPC.
2. As per prosecution story, on 27.09.2019, a meeting of public hearing was organized at Village Dolesara regarding environmental knowledge, where the police authorities were engaged for protection and maintaining peace, allegedly, at the time of meeting some local N.G.O.'s members obstructed the meeting and they deterred the complainant from discharge his duty. On 28.09.2019, report has been lodged by the complainant in this regard. Allegation against the present applicants is that they were involved in the crime in question. On the basis of said report, offence has been registered.
3. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated by the

complainant to pressurize them in the present case. Allegedly 40-50 persons intervene in the meeting to falsely implicating the applicants. They further submit that the incident was occurred on 27.09.2019 at about 5:30 PM and the report was lodged on 28.09.2019 at about 7:15 PM i.e. more than 24 hours. The complainant is the police personnel and he has not lodged the complaint immediately after the incident. The Counsel finally submits that other co-accused person namely Tekalal Patel has already granted benefit of anticipatory bail by this Court vide order dated 05.12.2019, passed in MCRCA No. 1784/2019. Hence, it is prayed that the applicants may also be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
5. I have heard learned Counsel for the parties and perused the case diary minutely.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by learned counsel appearing for the parties and further considering the fact that the complainant is the police personnel and he has lodged the complaint after 24 hours of the incident. Other co-accused person namely Tekalal Patel has already granted benefit of anticipatory bail by this Court, without further commenting on other merits of the case, in my considered opinion, the present applicants are entitled to grant of anticipatory bail.
7. Accordingly, the anticipatory bail applications are allowed.
8. 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 solvent 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