

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 2128 of 2019

1. Narendra Kumar Singh & Ors. S/o Kripanidhan Aged About 30 Years Caste Gond, Occupation Cultivator, R/o Village Pal Danauli, Police Station Odgi, District Surajpur Chhattisgarh. (B. A. No. 417).
2. Indrapal Singh S/o Shri Shobhitram Aged About 46 Years Caste Gond, Occupation Government Teacher, R/o Village Pal Danauli, Police Station Odgi, District Surajpur Chhattisgarh (B. A. No. 413).
3. Vishwanath Ram Singh S/o Jagmohan Ram Aged About 46 Years Caste Gond, Occupation Teacher, R/o Kudargarh, Police Station Odgi, District Surajpur Chhattisgarh (B. A. No. 414).
4. Ramadhin Poya S/o Late Bundi Prasad Aged About 30 Years Caste Gond, Occupation Cultivator, R/o Village Pal Danauli, Police Station Odgi, District Surajpur Chhattisgarh (B. A. No. 415).
5. Jangsai Poya S/o Shri Ramchandra Aged About 37 Years Caste Gond, R/o Village Parsagodi, Police Station Rajpur, District Balrampur-Ramanujganj Chhattisgarh (B. A. No. 416).

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Odgi, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil S. Pandey, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/02/2020

1. The applicants have filed this 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. 34/2018, registered at Police Station: Odgi, District-Surajpur (C.G.) for the offence punishable under Section 149, 153-B, 505 (1) (C), 506, 120-B of IPC.
2. As per the prosecution story, complainant Smt. Nirmala Singh lodged a

report alleging therein that on 28.03.2018 Applicants and the other co-accused persons in order to spread hatred among tribal people against the non-tribal people held meeting and gave them wrong impression about the law of the land and also scripted the same on one stone. It is further alleged that by holding the meeting the Applicants along with other persons gave people wrong impression about the law and order thereby they committed the alleged offence. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are falsely implicated in the present case. He submits that Applicant No.2 & 3 are the teachers of Government School, the incident occurred on 28.03.2018 at 02:30 P.M. but at the time of incident the Applicant No.2 & 3 were in school till 03:00 P.M. and in this regard the affidavits of Sanjay Kumar Singh (Injured head master) and Avinash Jaiswal (Teacher) have been already submitted which shows that at the time of incident the Applicant No.2 & 3 were at school till 03:00 P.M and with regard to Applicant No.1, 4 & 5 also there is nothing available on record against them. He also submits that there was delay in lodging the FIR as the incident is of 28.03.2018 and the FIR was lodged on 01.05.2018, therefore, he prays for grant of anticipatory bail to the Applicant.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by counsel for the parties and particularly considering that there was delay in lodging the FIR, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is 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 surety for the like sum to the satisfaction of the officer arresting him and he 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 him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge