

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 220 of 2021**

Moti Lal Bagh, S/o Shri Heera Lal Bagh, aged about 23 years, R/o- Ward No. 21, Dallirajhara, District – Balod (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Dallirajhara, District – Balod (C.G.)

----Non-applicant**M.Cr.C. (A) No. 230 of 2021**

Sudhir Kumar Singh (wrongly mentioned as Sudhir Singh), son of Memar Singh, Caste- Nayak, aged about 20 years, resident of Ward No. 21, Dallirajhara, District – Balod (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station – Dallirajhara (wrongly mentioned as Rajhara), District – Balod (C.G.)

----Non-applicant

For Applicant	:	Mr. Vivek Kumar Agrawal, Advocate in MCRCA No. 220 of 2021
For Applicant	:	Mr. B.P. Singh, Advocate in MCRCA No.230 of 2021.
For Non-applicant	:	Mr. Anand Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****02.06.2021**

(1) Proceedings of the matter have been taken-up through Video

Conferencing.

(2) Since both the bail applications arise out of a common crime number, therefore, they are being heard analogously and decided by this Common Order.

(3) The applicants has filed these applications for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 438/2020 registered at police station Dallirajhara, District-Balod for the offences punishable under Sections 458, 147, 148, 149, 294, 506 & 323 of the Indian Penal Code.

(4) Case of the prosecution, in nutshell, is that applicants along with 10-12 co-accused persons formed unlawful assembly; committed lurking house trespass; criminally intimidated; and assaulted Parmeshwar Sahu & Deepak Sahu at about 9.10 pm on 1-10-2020 and thereby committed the aforesaid offences.

(5) Learned counsel for the applicants would submit that the applicants have been falsely implicated in the crime in question as they have not committed any offence. He submits that similarly situated co-accused namely Aaman Khan has already been granted anticipatory bail by the co-ordinate bench of this Court vide order dated 15.01.2021 passed in M.Cr.C. (A) No. 1593 of 2020, therefore, the applicant may be extended the benefit of Section 438 of the Code of Criminal Procedure on the ground of parity.

(6) On the other hand, Counsel for the State opposes the anticipatory bail application.

(7) Taking into consideration the facts & circumstances of the case and looking to the nature and gravity of the offences, particularly the fact that similarly situated co-accused namely Aaman Khan has already been granted anticipatory bail by the co-ordinate bench of this Court vide order dated 15.01.2021 passed in M.Cr.C. (A) No. 1593 of 2020; and it is not shown that they are likely to abscond, if granted anticipatory bail to them, this Court is of the view that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the applications are allowed. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and they shall abide by all the following terms and conditions:

- (i) that the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required.
- (ii) that 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) that the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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.

(8) In view of above, I.A. No. 1, application for urgent hearing & I.A. No. 2, application for hearing the case during summer vacation stand disposed of.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Vacation Judge

Dubey/-

