

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 796 of 2021

1. Rakesh Yadav S/o Late Jawahar Yadav, Aged About 32 Years.
2. Yogesh Yadav S/o Late Jawahar Yadav Aged About 26 Years.
Both are R/o House No. 16, Janta Colony, Ward No. 15, Kumhari, District Durg Chhattisgarh.
3. Mahesh Rao S/o Venkat Rao, Aged About 27 Years, R/o -Sarthak Hogam, Kumhari, District -Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station -Nandani Nagar, District :
Durg, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Ankur Agrawal, Advocate.
For Respondent-State	: Mr. B.L. Sahu, PL.

(Proceedings through video conferencing)
Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

28/07/2021

Heard.

1. Applicants have filed this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.180/21 registered at Police Station -Nandani Nagar, District -Durg, (CG), for the offence punishable under Sections 458, 294, 506-B, 323, 427, 380, 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 31.05.2021 at about 10:30 pm, mob of persons entered into office of complainant assaulted Harshdeep supervisor of office, damaged office property and also taken away Rs.24,500/- from cash box of office. Harshdeep called the complainant and intimated the incident. Thereafter complainant has intimated the incident to the Police. When complainant reached the office, Harshdeep stated that he identified Rakesh Yadav and Yogesh Yadav ie applicant Nos.1 & 2, who are the part of the mob. On the basis of complaint, FIR was registered against the 11 accused persons

including the present applicants.

3. Learned counsel for the applicant submits that false and baseless allegation has been levelled against the applicants. They were not part of the mob, they are owner of trucks and member of Union of Transporter. There was some dispute between complainant and Union of Transporter with regard to the bidding system and fixation of price of transportation of the goods. There is no mention of name of applicant No.3 as to be identified by supervisor of office. He also submits that mother of applicant Nos.1 & 2 is suffering from Brain Cancer and nobody is there to take care of her, hence, applicant Nos.1 & 2 may be enlarged on anticipatory bail. It is also pointed out that applicant Nos.1 & 2 have also lodged the complainant before the same Police Station that their name have been falsely implicated in the aforementioned crime.
4. On the other hand, learned State Counsel opposes the submissions made by learned counsel for applicants and submits that applicant Nos.1 & 2 are part of mob who forcefully entered into office of complainant armed with club and Stick. Mob damaged the office property and took Rs.24,500/- with them. Harshdeep supervisor of office, present at the time of incident, identified applicant Nos.1 & 2. He also read over the memorandum statement of co-accused Anuj Sharma to argue that amount which has been taken from the office was with Rakesh Yadav ie applicant No.1. Hence, applicants are not entitled for grant of anticipatory bail.
5. The allegation levelled against present applicants is that after forming unlawful assembly, they forcefully entered into the office of complainant, destroyed the office furniture, assaulted Harshdeep Supervisor of office, took Rs.24,500/- from cash box of office, which is allegedly in the

possession of Rakehs Yadav applicant No.1.

6. Heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, nature of allegation levelled against present applicants, amount of Rs.24,500/- is stated to be with applicant No.1, the fact that mother of applicant No.2 is suffering from Brain Cancer, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to applicants No.2. So far as applicant No.3 is concerned, there is no identification by supervisor of office and he is not been named by him, hence, he is also entitled for the benefit for grant of anticipatory bail.
8. In view of above, bail application of applicant No.1 Rakesh Yadav is dismissed.
9. Accordingly, anticipatory bail application of applicant No.2 & 3 (Yogesh Yadav & Mahesh Rao) are allowed and it is directed that in the event of arrest of the applicants in connection with the crime in question, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicants shall also abide by the following conditions :
 - (i) that applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that 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 applicants shall not act, in any manner, which will be

prejudicial to fair and expeditious trial; and

- (iv) that 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/-

(Parth Prateem Sahu)

Judge

Jamal/-