

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 699 of 2021**

Tukeshwar Das Mahant @ Baba Mahant S/o Nawal Kishore Das, Aged About 32 Years, Caste Panika, Occupation Private Teacher, R/o Village Faguram, Police Station Dabhara, District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police of out Post Faguram, Police Station Dabhara, District Janjgir -Champa Chhattisgarh.

---- Non-applicant

MCRCA No. 814 of 2021

Manish Khunte S/o Harishankar Khunte, Aged About 22 Years, Caste - Satnami, R/o- Village - Ward No. 03, Kudhari, Out Post - Faguram, P.S. Dabhara, District Janjgir-Champa (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through- Out Post - Faguram, P.S. Dabhara, District Janjgir-Champa (Chhattisgarh).

---- Non-applicant

For Applicants : Mr. Mirza Kaisher Beg, Advocate

For Non-applicant/State : Ms. Anjali Singh Chouhan, P.L.

(Proceedings through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

09.08.2021

1. Since both the applications arising out of same crime number, they are being heard and decided by the common order.
2. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.155 of 2021, registered at Out Post Faguram, Police Station Dabhara,

District Janjgir-Champa (C.G.), for offence punishable under Sections 294, 323, 506, 341, 327, 34 of Indian Penal Code.

3. Case of the prosecution in brief, is that, on 26.03.2021, trucks after loading tamarind seeds proceeded from Jagdalpur at about 5.00 P.M. for the Hilli Border, Bangladesh. When the trucks were on the way, on 31.03.2021 at about 11.30 P.M., crossing Canal Bridge of village Faguram, at that time, present applicants along with one Ravi Kumar Lahre stopped the truck. They have called driver and conductor/cleaner out of truck and started abusing them. Applicant Manish Khunte assaulted Kishore Sethiya and were demanding for money. At that relevant point of time, resident of same village, by name Shatrughan Yadav and Heera Lal Yadav came there and saw the applicants abusing and assaulting the truck driver and cleaner as also demanding illegal money. The incident was reported to concerned Police Station, based on the aforementioned, crime was registered against the applicants along with one Ravi Kumar Lahre.
4. Mr. Mirza Kaisher Beg, learned counsel for the applicants would submit that false and baseless allegations are levelled against the applicants. He further submits that applicant Ravi Kumar Lahre was enlarged on regular bail vide Annexure A/2 and case of present applicants also stands on similar footing, hence, they may also be enlarged on anticipatory bail.
5. Per contra, Ms. Anjali Singh Chouhan, learned Panel Lawyer representing the State opposes the submissions made by learned counsel for the applicants and would submit that there are

eyewitness to the incident, who are resident of same village and identified the applicants. The statement of Shatrughan Yadav and Heera Lal Yadav is available on recorded making allegations against applicants. She further submits that Ravi Kumar Lahre was enlarged on regular bail, case of Ravi Kumar Lahre falls on different footing.

6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, manner, in which, the instant crime has been committed and the fact that Ravi Kumar Lahre has been enlarged on regular bail, I do not find it to be a fit case to enlarge the applicants on anticipatory bail.
8. Accordingly, anticipatory bail applications (MCRCA Nos.699 of 2021 and 814 of 2021) are dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge