

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1310 of 2020**

1. Rohit Sahu, Aged About 21 Years, Son of Motiram Sahu,
2. Rajaram Sahu Aged About 31 Years, Son of Ganesh Sahu,

Both are Resident of Village Kanpa, Tahsil Bodla, District Kabirdham
(Chhattisgarh)

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Rengakhar, Civil And Revenue District Kabirdham (Chhattisgarh)

---- Respondent

For Applicants	:	Mr. Vivek Kashyap, Adv. on behalf of Mr. P.K. Patel, Advocate
For Respondent/State	:	Mr. Mateen Siddiqui, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****19.02.2021**

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.34/2020 registered at police station – Rengakhar, Kabirdham (CG) for alleged commission of offence under Section 427/34 of IPC.
2. Learned counsel for the applicants would submit that they have been falsely implicated in the alleged commission of offence. A report has been lodged naming the applicants as the persons damaging public property. The persons who had lodged report have not claimed to

have seen the incident of any damage by the applicants. He would further submit that without there being any material to show that someone had actually seen the applicants damaging the public property, in order to falsely implicate the applicants as the applicants have been raising voices against corruption in *Panchayat* activities, they have been falsely implicated.

3. Learned State counsel would submit that the FIR was lodged by the representative to *Sarpanch* making allegations against the present applicants that they are involved in damaging public property and case diary statements also shows that the witnesses were informed that the alleged act of damaging public property has been done by the present applicants. Learned State counsel further pointed that one *Chitrendra Sahu* has clearly stated regarding involvement the applicant Rajaram Sahu in the alleged act.
4. Having considered the submission of learned counsel for the parties and particularly taking into consideration the statement of the prosecution witnesses regarding involvement of present **applicant No.2 Rajaram Sahu**, present is not a fit case for grant of bail to **Rajaram Sahu**, accordingly, his application for grant of anticipatory bail is therefore **rejected**.
5. However, the application for grant of anticipatory bail in respect of **Applicant No.1 Rohit Sahu** is therefore **allowed**.
6. Accordingly, it is directed that in the event of arrest of the **applicant No.1 Rohit Sahu** in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like sum to the satisfaction of the arresting officer and applicant shall abide by all the

following terms and conditions :-

- (i) that the applicant shall fully cooperate with the investigation authority;
- (ii) that the applicant shall not tamper or in any manner adversely affect the progress of investigation;
- (iii) that the appellant appear before the Police authority as and when directed without fail;
- (iv) that the applicant shall make himself available for interrogation by a Police Officer as and when directed;
- (v) that the applicant 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 from disclosing such fact to the Court or to any Police Officer;
- (vi) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (vii) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge