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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1267 of 2021**

1. Madhu Baghel @ Bablu Baghel, S/o Rajman, Aged About 35 Years Caste Bhatra, R/o Village Sonarpal, Post Office Sonarpal, Police Station Bhanpuri, District Bastar, CG
2. Kailash Kumar Maurya, S/o Chatur Maurya, Aged About 34 Years Caste Bhatra, R/o Village Sonarpal, Post Office Sonarpal, Police Station Bhanpuri, District Bastar CG
3. Samluram Maurya, S/o Bhadrur Maurya, Aged About 48 Years Caste Bhatra, R/o Village And Post Office Chapka, Police Station Bhanpuri, District Bastar CG
4. Santoram Maurya, S/o Late Chetan, Aged About 52 Years Caste Bhatra, R/o Village Sonarpal, Post Office Sonarpal, Police Station Bhanpuri, District Bastar CG
5. Dhanuram Baghel, S/o Dasmu Baghel, Aged About 38 Years Caste Bhatra, R/o Village Sonarpal, Post Office Sonarpal, Police Station Bhanpuri, District Bastar CG
6. Bhagvati S/o Mosu, Aged About 29 Years Caste Bhatra, R/o Village And Post Office Chapka, Police Station Bhanpuri, District Bastar CG
7. Kamlesh Kumar Bharti, S/o Mosu, Aged About 37 Years Caste Bhatra, R/o Village And Post Office Chapka, Police Station Bhanpuri, District Bastar CG
8. Pilibai Kashyap, W/o Mohan, Aged About 39 Years Caste Bhatra, R/o Village And Post Office Chapka, Police Station Bhanpuri, District Bastar CG
9. Manbodh Baghel, S/o Late Mansu, Aged About 53 Years Caste Mahara, R/o Village And Post Office Chapka, Police Station Bhanpuri, District Bastar CG
10. Sanku @ Bhalu, S/o Chumman, Aged About 28 Years Caste Bhatra, R/o Village And Post Office Chapka, Police Station Bhanpuri, District Bastar CG
11. Sukru Ram Maurya, S/o Late Baisakhu, Aged About 51 Years Caste Bhatra, R/o Village And Post Office Chapka, Police Station Bhanpuri, District Bastar CG
12. Jainath Baghel S/o Manglu, Aged About 39 Years Caste Bhatra, R/o Village And Post Office Chapka, Police Station Bhanpuri, District Bastar CG

---- Applicants**Versus**

State of Chhattisgarh through, Station House Officer, Bhanpuri,
Police Station Bhanpuri, District Bastar CG

---- Non-Applicant

For Applicant : Shri Dilman Rati Minj, Adv.
For State/Non-applicant : Shri B.P. Banjare, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi

Order on Board

22-10-2021

1. Applicants have preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 42/2021 registered at Police Station Bhanpuri, Distt. Bastar (CG) for the offences punishable under Sections 147, 148, 294, 307, 323, 341 and 506 of the Indian Penal Code.

2. Brief facts of the case are that on 12-4-2021 a public meeting was convened for public hearing at village Chapka for environmental clearance for establishment of M/s. Gopal Sponge Iron Limited by the administration. Many villagers appeared in the public meeting. They were opposing establishment of aforesaid plant. Complainant Nitin Jain participated in the public meeting in support of establishment of the plant. After conclusion of the public meeting, the persons who were opposing establishment of the plant blocked the national highway, complainant and administrative officers stuck in the traffic. The persons opposing establishment of the plant shouted at the complainant by uttering that they will kill him and by abusing and threatening him, assaulted upon him by Danda and pelting stones. Complainant Nitin Jain ran away and entered into the police vehicle Bolero. Thereafter, the persons opposing establishment of the plant pelted stones on the police vehicle, beat the complainant by Danda and stones. He suffered injuries. On the basis of written complaint made by him, police registered alleged crime against applicants.

3. Counsel for the applicants submits that the applicants, on call to attend public meeting convened by the government officials, went there, many persons were opposing establishment

of the plant. Complainant was supporting establishment of the plant and he was acting as an agent of the plant, so he lodged the FIR against the applicants to suppress their voices and drag them to the court of law. He further submits that except Section 307 of the IPC, other offences registered against them are not heinous offence and those are triable by JMFC. There is nothing to register offence under Section 307 of IPC against the applicants. He next submits that the applicants are poor tribes and are local people attached with their lands and forests emotionally. Their opposition for establishment of the plant is natural. He further submits that police officials have registered one more offence bearing Crime No. 41/2021 for the same incident, in which, anticipatory bail has been granted to the accused persons of that case by the coordinate bench. Therefore, he prays that applicants of this case may also be enlarged on anticipatory bail.

4. On the contrary, learned State counsel opposes the application for grant of anticipatory bail and submits that written FIR was lodged by complainant against applicants for commission of alleged crime. The complainant also sustained injury in the incident. He was also admitted in the hospital for one day. He further submits that the applicants not only pelted stones and damaged the vehicle, but also injured the complainant with intention to kill him. Hence, the applicants are not entitled to be enlarged on anticipatory bail.

5. Heard learned counsel for the parties and perused the material available.

6. Considering the entire facts and circumstances of the case, nature of allegations, medical report and discharge ticket of the complainant, I feel inclined to allow this anticipatory bail application.

7. Accordingly, the anticipatory bail application is allowed and it is ordered that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on

bail by the officer arresting them on each of them executing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the officer arresting them. The applicants shall also abide by the following conditions:-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 any police officer.
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial;
- (v) that in case of change of address they will inform new address to investigating agency.

Certified copy as per rules.

Sd/-

(Shri N.K. Chandravanshi)

JUDGE