

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1082 of 2021

1. Khitimani Das W/o Late Bihari Das, Aged About 63 Years, Caste -Bairagi, R/o Village and Post Office -Chapka, Police Station -Bhanpuri, District -Bastar Chhattisgarh.
2. Pilibai Kashyap W/o Mohan, Aged About 39 Years, Caste -Bhatra, R/o Village and Post Office -Chapka, Police Station -Bhanpuri, District -Bastar Chhattisgarh.
3. Bangaram S/o Late Gagra, Aged About 68 Years, Caste -Bhatra, R/o Village and Post Office -Chapka, Police Station -Bhanpuri, District -Bastar Chhattisgarh.
4. 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 Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Bhanpuri, Police Station -Bhanpuri, District -Bastar, Chhattisgarh.

--- Respondent

For Applicants	: Mr. Dilman Rati Minj, Advocate.
For State	: Mr. Vaibhav Singh, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/09/2021

Heard.

1. Applicants have filed this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.41/2021 registered at Police Station –Bhanpuri, Distt -Bastar, (CG), for the offence punishable under Sections 147, 148, 149, 332, 353, 186 and 427 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 12.04.2021, public meeting was organized on application filed by M/s. Gopal Sponge Iron & Power Pvt Ltd for no objection of Chhattisgarh Environment Conservation Board. Applicant along-with 34 other co-accused persons became aggressive in meeting, started stone pelting, abusing and also damaging Government vehicle as well as public vehicle, due to which, as many as 9

Police Officials suffered injuries including one female official. Report was lodged, based upon which, crime was registered against 35 persons.

3. Learned counsel for the applicants submits that applicants on call to attend public meeting organized by Government Officials went there. Applicants were forming a group for raising objection against installation of Sponge Iron Industry in their village. But some of persons are forming other groups supporting of installation of Industry. In meeting, hot talk took place between the groups which convert into free fight, in which, some of villagers have started stone pelting. It is not the case that villagers have deterred the public servant by stone pelting. Applicants are female members and not participated in any manner in alleged offence but they have been implicated because they are present in meeting. Out of four applicants, two of them are aged about more than 63 years. Hence, they may be enlarged on anticipatory bail.
4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that FIR was lodged by SHO of Police Station -Bhanpuri, Bastar. Meeting was organized by State Officials on application filed for no objection before Chhattisgarh Environment Conservation Board. Videography of Incident was also recorded in which as many as 14 persons were identified participating in incident as alleged including present applicants. Applicants along-with other co-accused persons not only involved in stone pelting but also damaged Government and Private vehicle (owned by SHO of concerned Police Station). Hence, applicants are not entitled for grant of anticipatory bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, place and manner in which alleged incident took place,

particularly the facts that out of four applicants two of them are aged about more than 63 years, applicants are women, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicants.

7. Accordingly, anticipatory bail application is 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/- 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/-