

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1284 of 2021**

1. Itwari Ram S/o Punaram, Aged About 35 Years, R/o Village Chisda, District Bilaspur Chhattisgarh.
2. Ajay Kumar Awadhelia S/o Mayaram Awadhelia, Aged About 38 Years, R/o Village Chilhati, Post Lohsi, Son, District Bilaspur Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Dharsiva, District Raipur Chhattisgarh.

---- Non-applicant

 For Applicants : Mr. Pushkar Sinha, Advocate

For Non-applicant/State : Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****07.12.2021**

1. 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.422 of 2021 registered at Police Station Dharsiva, District Raipur, C.G. for offence punishable under Sections 147, 149, 186, 332, 353, 427, 435, 448, 34 of Indian Penal Code and 3 of Prevention of Damage to Public Property Act.
2. Case of the prosecution, in brief, is that, on 19.08.2021, employees were sitting on strike raising demand of payment of wages/salary in front of gate of S.K.S. Company, Siltara, Raipur. Officers of Police Department as also Tahsildar were on duty since 6.00 A.M. at place of agitation. At about 12.15 hours, employees

who were agitating in front of gate of S.K.S. Company became aggressive and started stone pelting over Police Personnels. They have also set on fire Police vehicle bearing No.CG-03/4948 and one Motorcycle bearing No.CG-04/LR/1611 of Constable Pawan Kumar Patel. Three Constables of Police Department suffered injuries over their person. They have also damaged the gate, computer. etc. of S.K.S. Company. Police registered the crime and some of the employees were arrested on spot and some of them escaped. First Information Report was registered against 40 employees including present applicants.

3. Mr. Pushkar Sinha, learned counsel for the applicants would submit that applicants are employees of S.K.S. Company, but on the date of incident, they were not present on spot. As applicants are employees of S.K.S. Company, their names are known to other employees of the Company and they have been falsely implicated in the instant crime only on suspicion. There is no material available in the case diary to connect the applicants in instant crime, hence, they may be enlarged on anticipatory bail.
4. Per contra, Mr. Vimlesh Bajpai, learned Govt. Advocate for the State opposing the submissions made by learned counsel for the applicants, would submit that at the time of agitation, Police and Tahsildar were present in front of gate of S.K.S. Company. Mob of employees agitating in front of the gate of Company became aggressive and started stone pelting. Thereafter, they also set on fire the Police vehicle and one Motorcycle of the Constable. They also damaged the property of S.K.S. Company. During the course

of investigation, Police recorded statements of Security Guard, General Manager, Manager (HR) and Security Officer of Company. In their statements, names of all the employees involved in the incident is mentioned including names of applicants, hence, they are not entitled for the benefit of anticipatory bail. He read over the contents of statements in support of his contention.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, manner, in which, offence is committed by employees of Company including present applicants as appearing in the statements, I do not find it to be a fit case to enlarge the applicants on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge