

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9224 of 2020**

1. Ramniwas Agrawal son of Mansa Ram Agrawal, aged about 55 years,

2. Onkar Agrawal son of Ramniwas Agrawal, aged about 32 years,

Both R/o. Shankargarh, District- Balrampur- Ramanujganj (C.G.)

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Shankargarh, District- Balrampur- Ramanujganj (C.G.)

---- Respondent

For Applicants	: Shri Harsh Wardhan Parganiha, Advocate
For Respondent/State	: Dr.(Ms.) Veena Nair, Dy. A. G.

Hon'ble Justice Shri Gautam Chourdiya**Order on Board**

04/01/2021

- 1) Heard on admission.
- 2) The application is admitted for hearing.
- 3) With the consent of the parties, the matter is heard finally.
- 4) The applicants have preferred this second bail application under Section 439 of Code of Criminal Procedure, 1973 as they are in jail since 22.08.2020 in connection with Crime No.89/2020 registered at Police Station Shankargarh, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under Sections 186, 294, 353, 506, 34 of Indian Penal Code.
- 5) The applicants' first bail application was dismissed as withdrawn by order of this court dated 24.11.2020 passed in

MCRC No. 6184 of 2020.

- 6) The allegation against the applicants is that Complainant-Ambuj Kumar Yadav lodged one complaint stating that when he was working at Janpad Panchayat auditorium, Shankargarh, at that time the applicants entered the room and demanded the information that they had asked for under RTI Act. It is further alleged that the present applicants started slandering and using foul language against the complainant and throwing away the objects and files that were kept on the table of complainant, due to which the complainant lodged the report against the said persons, on the basis of which the offence has been registered under the crime No. 89/2020 for the offence punishable under Sections 186, 294, 353, 506, 34 of Indian Penal Code.
- 7) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question, they have not committed any offence. He further submits that the present applicants had filed an application under RTI dated 26.06.2020 but the information sought for was not provided to them and hence they approached the appellate authority/Chief Executive Officer, Janpad Panchayat Shankargarh vide application dated 22.08.2020. It is also submitted that it was under the instruction of the appellate authority, that they were physical present in the government premises to obtain the copy of the required documents by hand. The charge sheet has been filed and the applicants are in jail since 22.08.2020. He further submits that trial is likely to take some time for its final disposal. Therefore, the applicants be released on bail by this Court.
- 8) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 9) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that the applicants are in jail since 22.08.2020, charge-sheet has

already been filed and trial is likely to take some time for its final disposal, the application is allowed. It is directed that in the event of the applicants executing a personal bond for a sum of Rs.50,000/-each with two sureties of Rs. 25,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions :-

- (i) 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 from disclosing such fact to the Court,
- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- (iv) They shall not involve themselves in any offence of similar nature in future.

Certified copy as per rules

Sd/-

(Gautam Chourdiya)
Judge

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