



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 716 of 2023**

1. Nitesh Kumar Soni S/o Nand Kumar Soni, Aged About 22 Years, R/o Baloda, Police Station Baloda, District : Janjgir-Champa, Chhattisgarh
2. Nand Kumar Soni S/o Late Ganpat Lal Soni, Aged About 55 Years R/o Baloda, Police Station Baloda, District : Janjgir-Champa, Chhattisgarh

---- **Petitioner****Versus**

- State Of Chhattisgarh Through District Magistrate Janjgir (Police Station Baloda), District : Janjgir-Champa, Chhattisgarh

---- **Respondent**

For Appellants
For Respondent/State

Mr. Vaibhav P. Shukla, Advocate
Mr. Lalit Jangde, Dy. GA

SB.: Hon'ble Mr. Justice Deepak Kumar Tiwari
Order On Board**25/4/2023**

1. Heard.
2. None appears on behalf of the complainant despite service of notice. Even before the trial Court, the complainant has not objected to the bail application.
3. The appellants have preferred this appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "the S.C./S.T. Act"), for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.93/2023 registered at Police Station – Baloda for the offence under Sections 186, 353, 294, 506, 323, 34



of the IPC and Section 3(1)(r) of the S.C./S.T. Act.

4. Prosecution case, in brief, is that the complainant Sandeep Mathur, Forest Guard, lodged a written complaint alleging that on 26.2.2023 at about 12:40 hours, when he had gone for cutting trees on the Government/Private land near Bandhwatalab, Baloda, which were coming in the way of construction of National Highway No.130 A under Bharat Mala Project, in pursuance of the directions given to him by the Range Officer, Baloda, the present appellants came over there and raised objection that they have not been awarded compensation in lieu of acquisition of their land bearing Khasra No.2394/1. Further, the appellants obstructed the complainant in discharge of his Government duty and also thrashed and threatened to kill him. Based on such allegations, the aforesaid offence has been registered.

5. Learned counsel for the appellants submits that appellant No.1 is a student of M.Com Final Year and his exam is scheduled in the month of March-April 2023. He submits since the appellants' land has been acquired for expansion of National Highway No.130 A - Bilaspur to Uрга under the provisions of the National Highway Act and on the date of the incident, no notice was served on them and further, the compensation amount was also not paid to them, and the officers, who have been deputed for the said task were not in uniform, the appellants, in a bonafide manner, protested the same. Learned counsel for the appellants, on instructions, would submit that the appellants have no criminal past antecedents and he assured on behalf of the appellants that they



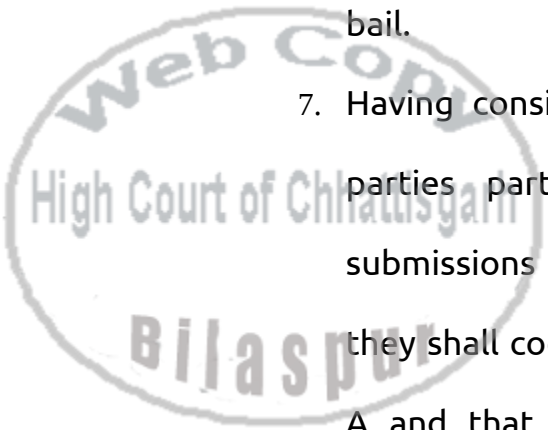


will not take law into their own hands and shall fully cooperate in construction of National Highway No.130 A. He also submits that the appellants would pursue their remedy for award of compensation by filing an appropriate petition in accordance with law. He further submits that since the appellants are dependent on the subject land and they have been deprived from their own land, they reacted naturally in such way and they had no intention to interrupt public work. Hence, considering all these aspects, the appellants may be enlarged on anticipatory bail.

6. Per contra, learned counsel for the State opposes the prayer for bail.

7. Having considered the submissions of learned counsel for the parties particularly considering the undertaking given and submissions advanced by learned counsel for the appellants that they shall cooperate in construction of National Highway No.130-A and that the appellants have no criminal antecedents and particularly considering that their land has been acquired for the said project, for which, no compensation has been paid to them so far and therefore, considering all the aspects of the matter, I am inclined to extend the benefit of Section 438 of the Cr.P.C. to the appellants.

8. Accordingly, the appeal is allowed and it is directed that in the event of arrest of the appellants, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the arresting officer on the following conditions:-





(a) they shall make themselves available for interrogation by the concerned police officer as and when so required,

(b) 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 or to any police officer,

(c) they shall not act in any manner which will be prejudicial to fair and expeditious trial,

(d) after filing of the charge sheet, they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,

(e) they shall not involve themselves in any offence of similar nature in future.

Certified copy as per rules.

Sd/-

(Deepak Kumar Tiwari)
Judge



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