

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 748 of 2015

1. Rohit Kumar @ Takeshwar S/o Shri Sravan Kumar Sahu Aged About 28 Years R/o Village Mohdi, Police Station - Magarload, Civil & Revenue District - Dhamtari (Chhattisgarh).
2. Kuldeep Sahu S/o Shri Sravan Kumar Sahu Aged About 24 Years R/o Village Mohdi, Police Station - Magarload, Civil & Revenue District - Dhamtari (Chhattisgarh).
3. Lekhram Sahu S/o Shri Sravan Kumar Sahu Aged About 24 Years R/o Village Mohdi, Police Station - Magarload, Civil & Revenue District - Dhamtari (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh Through : The Station House Officer, Police Station Magarload, Civil & Revenue District - Dhamtari (Chhattisgarh).

---- Respondent

Shri Prateek Sharma, counsel for the applicant/s.
Shri Vinod Tekam, Panel Lawyer for the State.

Order On Board

01/09/2015

Heard.

The applicants are apprehending their arrest in connection with Crime No.140/15 registered at police station – Magarload, Tah.-Magarload, District – Dhamtari, CG for alleged commission of offence under Section 147, 148, 149, 294, 427, 323, 506B, 452 & 34 of IPC.

2. Case of the prosecution is that the applicants and other accused entered the house of the complainant and assaulted, in which Jivanlal and Parsuram sustained injury.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated. In a counter case, Prakash Sahu lodged report earlier in a point of time on the same date on the allegation that he was assaulted by Komal Yadu and his team. On such report, crime under crime No.139/15 was recorded in the

police station. Thereafter, FIR has been lodged in the present case. It is submitted that the allegations of assault are on Devendra and Prakash. He further submitted that Jivanlal and Parsuram have sustained single and simple injury, therefore, implication of the applicants is false.

4. On the other hand, learned State counsel submits that according to the statement of the prosecution witnesses, the incident happened in the house of Komal Yadu, in which Jivanlal and Parsuram were assaulted and the applicants were also present at the spot under a common intention to assault the injured complainant party.

5. Taking into consideration that the FIR was lodged by Prakash Sahu against Komal Yadu and team on the same date under Crime no.139/15 prior to lodging of report in the present case and that according to the statement of Jivanlal and Parsuram, assault was given by Devendra and Prakash and no specific criminal overt act is alleged against the applicants, I am inclined to grant anticipatory bail to the applicants.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police 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 them from disclosing such facts to the Court or to 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.

Certified copy as per rules.

Manindra Mohan Shrivastava
Judge