

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.838 of 2015**

1. Naresh Kumar Yadav S/o Ramjivan Ram Aged About 42 Years Occupation - Shiksha Karmi Grade -2, R/o Village - Kharidand, Tahsil Bagicha, District Jashpur, Chhattisgarh, Civil And Revenue District -Jashpur (Chhattisgarh).
2. Sikandar Yadav S/o Naresh Kumar Yadav Aged About 19 Years R/o Village - Kharidand, P.S. And Tahsil Bagicha, District Jashpur, Chhattisgarh (Occupation Student), Civil And Revenue District -Jashpur (Chhattisgarh).
3. Harish Chandra Yadav S/o Damrudhar Yadav Aged About 19 Years Occupation - Student, R/o Village - Jhiki Katrapara, Tahsil - Bagicha, District Jashpur, Chhattisgarh, Civil And Revenue District - Jashpur (Chhattisgarh).

---- Petitioner

Versus

State Of Chhattisgarh Through : Station House Officer, Bagicha, District Jashpur, Chhattisgarh.

---- Respondent

For Petitioners	:	Smt. Indira Tripathi with Shri Harish Khuntiya,
Advocates		
For Respondent/State	:	Ms. Shubha Shrivastava, Panel Lawyer

Order On Board**04/09/2015**

Heard.

2. The applicants are apprehending their arrest in connection with Crime No.89/2015 registered at police station–Bagicha, Distt.-Jashpur for alleged commission of offence under Section 294, 323, 458, 147, 148 of IPC.

3. Prosecution case is that the applicants and other accused entered the house of the complainant in the night, assaulted him and thereby committed offence of criminal trespass.

4. Learned counsel for the applicants submits that the report of the complainant is a counter blast to the report lodged by Jeen Kumar who was assaulted by complainant and his team in which Jeen Kumar sustained grievous injury and was admitted in the hospital and on his report, offence under Section 307 IPC and other

offence has been registered against Dewanand Yadav, the complainant herein. After this report lodged in the police station, the complainant–Dewanand has come out with the story of he being assaulted.

5. On the other hand, learned State counsel opposes the bail application and submits that the complainant and other witnesses have stated regarding applicants and other accused entered the house of Dewanand and assaulted him.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the complaint in the present case has been lodged subsequent in the point of time after Jeen Kumar reported and that there are no specific injury except certain abrasions, I am inclined to grant anticipatory bail to the applicants.

7. 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 local surety for the like amount to the satisfaction of the arresting officer and the applicants 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 him 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.

Sd/-
Manindra Mohan Shrivastava
Judge