

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1093 /2015

1. Bablu @ Lavkesh, S/o. Dalluram Banjare, Aged About 21 Years, Occupation Student- B.A. Second Year, Nandini Mahavidyalaya.
2. Jitesh Kumar Jangde, S/o. Tulusram, Aged About 19 Years, Occupation Student- B.Sc. First Year, Center Of I.T. College, Raipur.
3. Javendra Kumar @ Junu, S/o. Santulal Banjare, Aged About 20 Years.
4. Yogesh Banjare, S/o. Pramprakash Banjare, Aged About 24 Years.

All R/o. Village Girhola, Thana Nandini, Civil & Revenue District Durg, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station : Nandini, Revenue & Civil District Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Punit Ruparel, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/11/2015

1. Apprehending arrest in connection with Crime No.203/2015 registered at Police Station- Nandini, Revenue & Civil District Durg (C.G.) for the offence punishable under Sections 452, 294, 506 read with Section 34 of the Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, the applicants are entered into the house of the complainant namely Anil Sonwani due to previous revenge and use filthy language and also use the criminal force. Therefore, on the report of the complainant, the offence has been registered.

3. Learned counsel for the applicants submits that the parties have been entered into a compromise and the report has been withdrawn by the complainant, therefore, the applicants may be enlarged on anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail and he do not support the fact of compromise as the alleged compromise petition is not a part of the case diary.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the nature of allegation and perusal of the case diary, it is not a case that no prima facie case is made out and if the compromise has been affected the legal effect of it are subject to scrutiny by the trial Court. Taking into totality of the case, I am not inclined to grant anticipatory bail to the applicants, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge