

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 989 of 2015

1. Shatruhanlal S/o Late Chaturlal Aged About 53 Years R/o Gram Kotmi Sonar Thana Akaltara, Distt. Janjgir Champa Chhattisgarh.
2. Raju S/o Shatruhanlal Aged About 30 Years R/o Gram Kotmi Sonar Thana Akaltara, Distt. Janjgir Champa Chhattisgarh.
3. Lala S/o Shatruhanlal Aged About 26 Years R/o Gram Kotmi Sonar Thana Akaltara, Distt. Janjgir Champa Chhattisgarh.
4. Prahlad S/o Chhedilal Yadav Aged About 35 Years R/o Gram Kotmi Sonar Thana Akaltara, Distt. Janjgir Champa Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Thana Incharge, Police Thana Seepat, District Bilaspur Chhattisgarh.

---- Respondent

Shri Abdul Wahab Khan, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.
Shri Hemant Gupta, counsel for the objector.

Order On Board

12/10/2015

Heard.

The applicants are apprehending their arrest in connection with Crime No.194/15 registered at police station – Seepat, District – Bilaspur, Chhattisgarh for alleged commission of offence under Section 451, 384/34 of IPC.

2. Prosecution case is that the applicants entered the house of the complainant and threatened him of dire consequences if the loan amount is not returned.

3. Learned counsel for the applicants submits that the entire allegations taken as it is, does not prima facie make out a case of offence under Section 384 IPC because no valuable security or cash or any valuable thing has been looted. Therefore, in that case, only offence under Section 385 IPC would be made out which is bailable in nature. It is submitted that offence under Section 451 IPC is also bailable.

4. On the other hand, learned State counsel and counsel for the objector oppose prayer for grant of bail.

State counsel submits that investigation is still going on.

Counsel for the objector submits that though ATM card, pass book, *Kisaan Pustika* were looted, as advised by the police officer, this content has not been included in the complaint.

5. Taking into consideration the submission that the complaint does not talk of any valuable things being looted from the complainant and in such case, only offence under Section 385 IPC would be made out and considering that offence under Section 385 and 451 IPC are bailable in the nature, 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.25,000/- 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 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.

Sd/-

**Manindra Mohan Shrivastava
Judge**