

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C(A) No. 131 of 2016

1. Bajrahin Bai W/o Lakhan Sahu Aged About 46 Years R/o Chimagondi Bhagutola, P.S. Kawardha, Distt. Kabirdham Chhattisgarh.
2. Kuleshwari W/o Maan Singh Sahu Aged About 22 Years R/o Chimagondi Bhagutola, P.S. Kawardha, Distt. Kabirdham Chhattisgarh.
3. Jageshwarin W/o Rupesh Sahu Aged About 21 Years R/o Chimagondi Bhagutola, P.S. Kawardha, Distt. Kabirdham Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Kawardha,
Distt. Kabirdham Chhattisgarh.

---- Respondent

For applicants – Shri Malay Shrivastava, Advocate.
For Respondent/State – Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

23/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 401/2015 registered at Police Station Kawadha, Distt. Kabirdham (C.G.) for offence punishable under Section 147, 148, 149, 294, 506 Part-2, 323 & 307 of IPC.
2. As per the prosecution case over a land dispute Tikaram and Lakhan who are real brothers quarreled with each other and family members of both the family assaulted each other and on the date of incident on 21/12/2015 Khemram had made a complaint who is son of Tikaram that the applicants along with co-accused have assaulted and also Rupesh had lodged a report who is son of Lakhan that Khemram and others have caused injury to Lakhan.

3. Learned counsel for the applicants submits that Tikaram and Lakhan are real brothers and after the incident they have entered into compromise in the Panchayat of the village and no grievance exist against each other.

4. Shri Awadh Tripathi, learned counsel appearing for the family members of Tikaram in M.Cr.C (A) No.31/2016 which is filed on behalf of Nemkunwar, Shantibai, Laxmibai and Tikaram would submit that compromise has been affected between these parties as they are real brothers and respective family members have settled their dispute and no purpose would be served if the applicants are arrested.

5. Learned State counsel opposes the prayer for grant of anticipatory bail.

6. I have perused the case diary and the compromise application which is filed along with this petition. Same is not disputed by learned counsel for the injured who is appearing in the similar case for bail as there has been counter report. Taking into facts and circumstances of the case, I am inclined to extend benefit of anticipatory bail to the applicants.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

(i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;

- (ii) that the applicants 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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants 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/-

(Goutam Bhaduri)

JUDGE