

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 166 of 2016

1. Tirath, S/o. Moti, aged about 40 years, Caste-Gond,
2. Tuleshwar, S/o. Siyaram, aged about 30 years, Caste-Gond,
3. Rajkumar, S/o. Tirath, aged about 20 years, Caste-Gond,
4. Sahalo Bai, W/o. Tirath, aged about 38 years,

All are R/o. Village- Saraswatipur, Police Station : Vishrampur,
Revenue and Civil District-Surajpur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station-Vishrampur,
District- Surajpur (C.G.)

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/03/2016

1. Apprehending arrest in connection with Crime No.286/2015 registered at Police Station- Vishrampur, District – Surajpur (C.G.), for offence punishable under Section 294, 506, 323, 326, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 02.12.2015, the applicants alongwith other co-accused persons for the reason of the old enmity abused and assaulted the complainant, Munto Bai by way of Iron rod for which she was admitted from 02.12.2015 to 06.01.2016.
3. Learned counsel for the applicants would submit that initially a case was registered under Section 294, 506 and 323 of I.P.C., wherein the applicants have been enlarged on bail, subsequently, Section 326 of I.P.C. has been added. He would further submit that entire

allegation of 326 is on the accused, Tirath, the applicant No.1, therefore, considering the role played and earlier the applicants were granted bail, the counsel prays that the applicants may be extended the benefit of anticipatory bail.

4. Per contra, the State counsel opposes the bail application.
5. Considering the statement of Munto Bai and Dilsay, wherein primary allegation of assault by way of Iron rod is on Tirath, the applicant No.1 and further considering the fact that the applicants have been already released on bail for the offence under Section 294, 506, 323 of I.P.C., this Court is of the opinion that the present is a fit case, where the applicant No.2, 3 & 4 should be enlarged on anticipatory bail. However, in respect of the applicant No.1, since the entire allegation of assault by way of Iron rod is made against the applicant No.1, Tirath, therefore, this Court is not inclined to grant anticipatory bail to the applicant No.1.
6. Accordingly, the anticipatory bail application in respect of Applicant No.2 **Tuleshwar**, applicant No.3 **Rajkumar** and applicant No.4 **Sahalo Bai** is allowed and bail application in respect of the applicant No.1, **Tirath** is rejected.
7. It is directed that in the event of arrest of the Applicant No.2, **Tuleshwar**, applicant No.3 **Rajkumar** and applicant No.4 **Sahalo Bai** in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each 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) that 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