

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 338 of 2016

1. Bhagwan Prasad Yadav, S/o Late Sakaldip Yadav, Aged About 55 Years, R/o Near Indira Stadium, T.P. Nagar Korba, Present Address: Ramsagar Para, Near Daliya Godown, House No. 243/01, Ward No. 01, Tahsil & District Korba (Chhattisgarh).
2. Krishnanand Yadav, S/o Bhagwan Prasad Yadav, Aged About 33 Years R/o Near Indira Stadium, T.P. Nagar Korba, Present Address: Ramsagar Para, Near Daliya Godown, House No. 243/01, Ward No. 01, Tahsil & District Korba (Chhattisgarh)

---- Applicants

Versus

State of Chhattisgarh Through: Station House Officer, Thana : City Kotwali Korba, District : Korba (Chhattisgarh).

---- Respondent

For Applicants :- Mr. Amit Singh, Advocate

For Respondent/State :- Mr. Gairy Mukhopadhyay, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

13/04/2016

1. Apprehending arrest in connection with Crime No 73/2016 registered at Police Station- City Kotwali, Korba, District Korba (C.G.) for the offence punishable under section 354,294,323/34 of Indian Penal Code. The applicants have preferred this application for grant of anticipatory bail.

2. As per the prosecution case, the complainant Anita Yadav used to stay at Sanjay Nagar, Korba and in one more house which is situated at Ramsagar Para, Korba. The complainant and their family members had

claimed their right over the same house, for which a case is pending before the Court of SDM at Korba. It is alleged that on 10.02.2016 the complainant who had left some goods in the old house at Ramsagar Para went to fetch them i.e. mark sheet of her children, at that time, the applicant and the other family members objected to it and thereafter the complainant forcefully entered into the house, which resulted into scuffle and she was assaulted by the applicants and the other co-accused.

3. Counsel for the applicants submits that the applicants have not committed any commission of crime and they have been falsely inculpated in this case. He further submits that the complainant forcefully entered in the house of the applicants, which resulted into scuffle. It is further submitted that the dispute was going on with respect to the house of Ramsagar Para for which a litigation is pending, therefore, a false report in this case has been made against these applicants, therefore, they may be given the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the statement of the complainant Anita Yadav. Perusal of the statement, shows that specific allegation has been made against the applicant No.1 i.e. Bhagwan Prasad Yadav, therefore, this court is not inclined to grant anticipatory bail to the applicant No. 1. However, in respect of applicant No. 2 i.e. Krishnanand Yadav, there is general allegation has been made against the applicant No. 2, therefore, this court is inclined to grant anticipatory bail to the applicant No. 2.

6. Accordingly, the anticipatory bail application of the applicant No. 1 **Bhagwan Prasad Yadav**, is rejected and the bail application of the

applicant No. 2 **Krishnanand Yadav**, is allowed.

7. Since the anticipatory bail application of applicant No. 2 Krishnanad Yadav is allowed and it is directed that in the event of arrest of the applicants No. 2 in connection with the aforesaid offence, he shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant No. 2 shall also abide by the following conditions:-

- (i) that the applicants No. 2 shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicants No. 2 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 the applicants 2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants No. 2 shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Goutam Bhatduri)
JUDGE