

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 330 /2016

Hemant Kaushik, S/o. Manharanlal Kaushik, Aged About 23 Years, R/o.
Village Chhatouna, Police Station Chakarbhatha, District Bilaspur,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
AJAK Bilaspur, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Y.C.Sharma, Advocate.

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/04/2016

1. Apprehending arrest in connection with Crime No.12/2010 registered at Police Station- AJAK Bilaspur, District Bilaspur (C.G.) for the offence punishable under Section 147, 148, 452, 323, 427 of Indian Penal Code & Section 3(1)(x) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. The prosecution case is that the incident which happened on 20.06.2010 & 21.06.2010, the applicant along-with other co-accused abused, intimidated and assaulted the complainants by trespassing in their house.
3. Learned counsel for the applicant submits that the report against the applicant is a counter blast to report earlier lodged on 21.06.2010 by Bharat Kaushik in the Police Station alleging assault by the complainants to applicant and other co-accused. On that

report, offence under Section 307 of IPC was registered and accused have been convicted by the trial Court. He further submits that the other similarly placed co-accused have been enlarged on anticipatory bail by this Court in M.Cr.C.(A) No.656 of 2015 on 13.08.2015 and in M.Cr.C.(A) No.66 of 2016 on 15.02.2016; therefore, the present applicant may also be given the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail, however, he do not dispute the fact that the other similarly placed co-accused have been enlarged on anticipatory bail.
5. Taking into fact that the other similarly placed co-accused have been enlarged on anticipatory bail by the co-ordinate Bench, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed.
7. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Ashok