

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 377 of 2016

1. Parmeshwar Mahant, S/o. Lavleen Das Mahant, Aged About 40 Years. R/o of Village Baradarha, Post Kanwali, Tahsil and Dabhra, District Jangir Champa Chhattisgarh.
2. Balak Das Mahant, S/o. Janak Das, Aged about 65 years, Resident of Bade Seepat, Post Bade Seepat, Police Station Malkharouda, District Janjgir Champa, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station Dabhra, Civil and Revenue District Janjgir Champa, Chhattisgarh.

---- Respondents

For Applicant	: -Mr. Deepak Kumar Singh , Advocate
For Respondent/State	: -Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21/04/2016

1. Apprehending arrest in connection with Crime No. 99/2016 registered in Police Station Dabhra District Janjgir Champa (C.G.) for the offence punishable under sections 451,506/34 of the Indian Penal Code read with section 4 and 5 of the C.G. Tonahi Pratarana Adhiniyam. The applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Itwarin Bai that the applicants along with the other co-accused Khageshwar by force took the complainant to his house and stated that she was Tonhi and asked her to cure Khageshwar. In the house both the applicants i.e.

Parmeshwar Mahant and Balak Das Mahant were present and Balak Das Mahant asked her to cure Khageshwar otherwise she will be assaulted. Thereby the offence is committed.

3. Counsel for the applicants submits that the entire allegations have been attributed to Khageshwar, as he took the complainant to her house wherein these applicants were present and they have not done any overt act, therefore, the applicants may be given the benefit of anticipatory bail.

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

5. Perusal of the statement shows that primary allegations have been attributed to Khageshwar that he took the complainant to his house, wherein these applicants were present. Taking into the degree of allegations levelled against these applicants, I am inclined to release the applicants on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed.

7. 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 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 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.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh