

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 468 of 2016**

1. Smt. Poonam w/o. Dhirendra Malik aged about 30 Years r/o Siddharth Nagar, Sanichri Bazzar, Durg, Tahsil & Distt. Durg Chhattisgarh
2. Aruna Samundre d/o. Late Tarun Samundre Aged About 22 Years R/O Siddharth Nagar, Sanichri Bazar, Durg, Tahsil & Distt. Durg Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through : - District Magistrate Durg Chhattisgarh

---- Respondent

For Applicants : Mr. Arvind Dubey, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****23.06.2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicants apprehending their arrest in connection with Crime No. 255 of 2016 registered at Police Station Durg, Dist. Durg (CG) for offence punishable under Sections 147, 186, 353 & 506 of IPC.
2. As per case of the prosecution on 24-03-2016 during eve of Holi festival, when the complainant was discharging his duties at Siddarth Nagar, few persons were quarreling in between after consuming liquor which were intercepted by complainant Rejendra Deshmukh wherein he was abused by those persons. Subsequently, on calling of the complainant, police patrolling party went there and arrested the persons, at that time applicants Smt. Poonam and Ku. Aruna Samundre intervened and took away Shalu who was arrested by Police.

3. Learned counsel appearing for the applicants would submit that the applicants have filed the application to Inspector General of Police, Durg against the police atrocities as police persons were entering different houses to search few of the persons and they were also abusing the people who were objected, as against that false allegations have been made against the present applicants. It is further submitted that during the course of scuffle applicant No.1 Smt. Poonam was assaulted by police by which she sustained injury, therefore, the applicants may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and also report made by the applicants against police atrocities.
6. Considering the facts and circumstances of the case and further considering the allegations made against the applicants, 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 the 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

Raju