

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 163 of 2016

Hairam S/o. Shri Raghunath Mahkul, aged 63 years, R/o. Village-
Makaribandha, Thana, Tapkara, Tahsil- Duldula, Civil and Revenue District-
Jashpur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Tapkara,
District Jashpur (C.G.)

---- Respondent

For Applicant :- Mr. Sunil Sahu, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29/02/2016

1. Apprehending arrest in connection with the Crime No. 01/2016, registered at Police Station Tapkara, District Jashpur (C.G.) for the offence punishable under sections 294,506-2, and 307 /34 of Indian Penal Code. The applicant has filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that, on 10.01.2016 the applicant Hariram entered into a dispute with Dulbudhoram, at that time, another co-accused Jodhan and the son of the applicant came and assaulted the Dulbudhoram and his son by way of iron rod and club.
3. Counsel for the applicant submits that the allegation of assault is on the other two accused persons namely Jodhan and Ramesh. He further submits that the applicant Hariram is the brother of injured Dulbudhoram and the applicant has not caused any assault only he has abused the complainant,

therefore, the applicant may be given the benefit of anticipatory bail.

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

5. Perusal of the FIR and the statement would show that the main allegation of assault is on Jodhan and Ramesh, by way of iron rod and club, considering the same it is alleged that the applicant only abused the complainant. Taking into the fact that the age of the applicant is about 63 years and the role played by this applicant, this Court is of the opinion that the present is the fit case, the applicant should be enlarged on anticipatory bail.

6. Accordingly, the anticipatory bail application is allowed and 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 them on executing a personal bond in sum of Rs.25,000/- with one local 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 them 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) 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.

Sd/-

(Goutam Bhaduri)
JUDGE