

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 286 of 2016

1. Ranjeet Haldar, son of Lalit Haldar, Aged About 46 Years
Occupation Agriculture And Business, R/o Premnagar,
Police Station & Tahsil - Dharamjaigarh, Distt. Raigarh
Chhattisgarh.
2. Tapan Haldar S/o Ranjeet Haldar Aged About 20 Years
Occupation Agriculture And Business, R/o Prem Nagar,
Police Station & Tahsil Dharamjaigarh, Distt. Raigarh
Chhattisgarh. --- **Petitioners**

Versus

- State of Chhattisgarh Through The Station House Officer,
Police Station Dharamjaigarh, Distt. Raigarh
Chhattisgarh. --- **Respondent**

For the applicants	:	Mr. Awadh Tripathi, Advocate.
For the Respondent	:	Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.03.2016

1. Apprehending arrest in connection with Crime No. 54/2016 registered at Police Station Dharamjaigarh, District Raigarh (C.G) for the offences punishable under section 294, 341, 343, 387/34 of IPC, the applicants have filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, complainant Shankar Haldar made a complaint that on 03.2.2016 while he was going on Bus, applicants 1 & 2 Ranjeet Haldar and Tapan Haldar took him away and lodged him in a godown of Tata Project Stores situated at Prem Nagar Colony from 03.02.2016 to 07.02.2016 and got some signatures over a blank paper.

3. Learned counsel for the applicants submits that the applicants and complainant are relatives and applicant No.1 is brother and applicant No.2 is nephew of the complainant. He submits that because of the fact that some land dispute arose between the two brothers as the complainant never wanted to give share to the sister but the applicants want to give share to the sister which was objected by the wife of complainant, false report has been made. He would submit that the complainant is alleged to have been lodged in Tata Project Godown from 03.02.2016 to 07.02.2016 is completely improbable and false allegations have been made. It is contended that earlier to this incident, the applicants have made a report to the Tahsildar about the land dispute of Khasra No.356/1 since it was rented therefore that was the sole reason for making false allegations. He therefore, prays for releasing the applicants on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the report, the statement of the applicant witness as also the statement of Vishwanath Mandal who was the guard of the said Tata Project Store of Prem Nagar Colony wherein it is stated that the complainant Shankar Haldar stayed was kept in captivity. It is stated that complainant stayed his house and food and other materials were being provided to him. It has not been stated that Shankar Haldar was kept in forcible captivity. Taking into such statement, I am inclined to extend the benefit of section 438 Cr.P.C., to the applicants.

6. Accordingly, the 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 sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE