

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 411 of 2016

Bhikham Lal S/o. Tikaram Sahu, Aged About 17 Years, through natural guardian father namely Tikaram Sahu S/o. Baliram Sahu, R/o. Chhepagondi, P.S. Kawardha, District Kabirdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station Kawardha, District Kabirdham (C.G.)

---- Respondent

For Applicant :- Mr. Wasim Miyan, Advocate

For Respondent/State :- Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03/05/2016

1. Apprehending arrest in connection with Crime No 400/2015 registered at Police Station- Kawardha, District Kabirdham (C.G.) for the offence punishable under sections 147,148,149,294,506 Part 2, 323 and 307 of the Indian Penal Code. The applicant has preferred this application for grant of anticipatory bail.

2. As per the prosecution case over a land dispute Tikaram and Lakhan who are real brothers quarreled with each other and family members of both the family assaulted each other and on the date of incident on 21.12.2015 Rupesh had made a complaint who is son of Lakhan that the applicants alongwith co-accused have assaulted and also Khemram had lodged a report who is son of Tikaram that Rupesh Lakhan and other have caused injury to Tikaram.

3. Counsel for the applicant submits that Tikaram and Lakhan are real brothers and after the incident they have entered into compromise in the Panchayat of the village and no grievance exist against each other. He further submits that in the similar facts of the case, the other co-accused persons namely Nemkunwar, Shantibai, Laxmibai and Tikaram have been granted bail by this Court in M.Cr.C. (A) No. 31 of 2016 on 23.02.2016, therefore, the case of the applicant is similar to that of the other co-accused who have been enlarged on anticipatory bail, therefore, applicant may be given the benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail however, do not dispute the fact that the case of the present applicant is similar to that of the other co-accused persons who have been granted bail by this Court in M.Cr.C. (A) No. 31 of 2016 on 23.02.2016.

5. Perusal of the case diary and the compromise application filed along with the bail petition which is not in disputed by the State counsel that the other similarly placed co-accused have been enlarged on bail by this Court in M.Cr.C. (A) No. 31 of 2016 on 23.02.2016, this Court is of the opinion, that present is a fit case, in which, the applicant should be enlarged on anticipatory bail.

5. Accordingly, the anticipatory bail application is allowed.

6. 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 executing a personal bond in 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 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

Santosh