

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 416 of 2016

1. Ajaydas, S/o. Prem Sai, aged about 50 years,
2. Smt. Panmuni, W/o. Ajaydas, aged about 45 years,
3. Ku. Kunti, D/o. Ajaydas, aged about 20 years,
4. Dilip Choudhary, S/o. Ajaydas, aged about 17 years

Applicant No.4 is minor, through natural guardian father, Ajaydas, S/o. Prem Sai

All are Caste-Chamar, R/o. Sattipara, P.S. & Tahsil – Ambikapur, District-Sarguja (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Kotwali, District- Ambikapur (Sarguja) (C.G.)

---- Respondent

For Applicants	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03/05/2016

1. Apprehending arrest in connection with Crime No.58/2016 registered at Police Station- Kotwali, Ambikapur (Sarguja) District – Sarguja (C.G.), for offence punishable under Section 294, 457, 452 & 506/34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case that on 19.12.2015, the applicants forcefully entered into the house of the complainant, Bahadur Ram with club and knife and abused him. Subsequently, intervention by some of the people, the applicants fled away from the spot. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicants and the complainant are the neighbours and on the trivial issue, the dispute arose. It is further submitted that since the applicants have

earlier made a report on 18.12.2015 against the complainant for the incident happened on 07.12.2015 and 17.12.2015 as per Annexure A/3 and in order to combat such report, false allegations have been levelled against the applicants. Therefore, the counsel prays that the applicants may be extended the benefit of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of anticipatory bail.
5. Perused the case diary as also the statement of Viky Jaiswal and the complainant. Perusal of the statement would show that the incident happened because of bursting of pipe, water flowed in the house of Ajaydas, thereafter, the applicants came to the house of complainant and on being objected, they went away. Considering the report of the applicants also which is dated 18.12.2015 it appears that it is received by the police for the incident happened on 07.12.2015 and 17.12.2015 and taking into the background of the case, I am inclined to extend benefit of anticipatory bail to the applicants.
6. 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 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/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) that 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