

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 442 of 2016

1. Manchi @ Hemant Patel, S/o. Dhuniram Patel, aged about 29 years,
2. Mukesh Yadav, S/o. Vinod Yadav, aged about 26 years,
Both are R/o. Pathariya, P.S. And Tehsil-Pathariya, Civil District-Bilaspur, Revenue District-Mungeli (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S. Pathariya, Civil District-Bilaspur, Revenue District-Mungeli (C.G.)

---- Respondent

For Applicants	: Mr. Pallav Mishra, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/05/2016

1. Apprehending arrest in connection with Crime No.26/2015 registered at Police Station- Pathariya, District – Mungeli (C.G.), for offence punishable under Section 294, 506, 323, 452, 147, 149 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicants entered into the house of one Chelaram Vishwakarma and assaulted three persons by hands and fists.
3. Learned counsel for the applicants submits that earlier the report was made against the complainant as the applicants and the family members were assaulted by the assailants on 13.02.2015 in respect of which a report was made and the crime No.25/2015 was registered in the police station and on the next day, the complainant have lodged the report against the applicants. He further submits that the applicants have been falsely implicated in this case. He

further submits that similarly placed co-accused in this case have been enlarged on anticipatory bail by the co-ordinate Bench of this Court in M.Cr.C.(A) No.321/2015 vide order dated 25.06.2015, 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, however, he is not able to dispute the fact that similarly placed co-accused in this case has been enlarged on anticipatory bail.
5. Considering the fact that initial report was made against the complainant on 13.02.2015 and the fact that similarly placed co-accused in this case have been enlarged on anticipatory bail by the co-ordinate Bench of this Court in M.Cr.C.(A) No.321/2015 vide order dated 25.06.2015, therefore, 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