

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 521 of 2016

1. Khoman Giri, aged about 32 years, S/o. Late Nagendra Giri,
2. Himanchal Giri, aged about 30 years, S/o. Late Nagendra Giri,
Both are labour in Private Shop at Korba, R/o. Club Para, Near Nahar, Mahasamund, Tahsil & District – Mahasamund (C.G.)
3. Dipesh Giri, aged about 28 years, S/o. Ashok Giri Goswami, student, R/o. Club Para, Near Nahar, Mahasamund, Tahsil and District – Mahasamund (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : SHO, P.S. - City Kotwali, Mahasamund, District – Mahasamund (C.G.)

---- Respondent

For Applicants : Mr. Anish Tiwari, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/08/2016

1. Apprehending arrest in connection with Crime No.100/2016 registered at Police Station- City Kotwali, Mahasamund, District – Mahasamund (C.G.), for offence punishable under Section 294, 323, 506, 452/34 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that a report was made by Devendra Giri that on 14.03.2016 while he was taking rest at that time, the applicants, who are the relative and son of elder brother came to the house and broken the door thereafter entered in the house forcefully and over a partition started dispute and assaulted the family members.
3. Learned counsel for the applicants would submit that the applicants and the complainant are related to each other and over a land they wanted partition and in fact to amicably settle the issue they had

went there but some altercation took place, which were exaggerated and the report was made. It is further submitted that the injuries are simple in nature and both the parties scuffle to each other, therefore, considering the background and circumstances of this case, the applicants may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned State counsel opposes the application for grant of bail.
5. I have heard the learned counsel for the parties.
6. Perused the case diary and the statement of Devendra Giri. Considering the facts and circumstances of the case and the fact that the applicants and the complainant nearly related to each other and over a family dispute, altercation took place. Considering the nature of injury and the background, this Court is inclined to extend the benefit of anticipatory bail to the applicants, as custodial interrogation of the applicants may not be required in this case.
7. 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