

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 570 of 2016

1. Smt. Kashi Bai W/o Tulsidas Raj, Aged About 67 Years.
 2. Samudra Raj S/o Tulsidas Raj, Aged About 32 Years.
- Both are R/o Badi Bazar, Chirmiri, District Korea Chhattisgarh

----Applicants

Versus

State Of Chhattisgarh Through : Station House Officer, Police Of
Police Station Chirmiri, District Korea Chhattisgarh

---- Respondent

For applicants – Shri Anil Gulati, Advocate.
For Respondent/State – Shri Sumit Jhanwar, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/08/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 93/2016 registered at Police Station Chirmiri, District Korea (CG) for offence punishable under Section 323, 294, 147, 148, 456, 506 of Indian Penal Code.
2. As per the prosecution case, a report was made by one Nehruraj Ahirvar that the applicants alongwith other co-accused in the intervening night of 22-23/03/2016 entered into the house and assaulted the complainant by way of a club over a old dispute.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case, in fact the complainant and the other family members were trying to take away the old tyres during holi which was opposed and during such opposition the applicants were assaulted for which a report was made and Crime No.92/2016 was registered against the complainant. As a counter blast to it, this false allegations have been levelled, therefore the applicants may be granted benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents filed alongwith the bail application. Documents which is on record shows that applicants in prior point of time has lodged report which was bearing Crime No.92/2016 and the dispute appears to be in between family members of the two brothers. Considering the background of the case and the documents available in the case diary, 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 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 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) 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

