

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 667 of 2016

1. Vishnu Prashad Sarthi, S/o Late Dauwa Ram Aged About 45 Years
R/o Adarsh Nagar, Chamda Godam, Raigarh, Tah & District Raigarh
Chhattisgarh
2. Niranjana Kaushik S/o Late P. L. Kaushik Aged About 45 Years R/o
Kotra Road, Raigarh, Tah & District Raigarh Chhattisgarh ----
Petitioner

Versus

1. State of Chhattisgarh through P.S. - Kotra Road Raigarh, District
Raigarh Chhattisgarh
2. Manoj Sharma S/o Ram Gopal Sharma R/o Krishna Vihar Colony
Raigarh Tahsil & District Raigarh Chhattisgarh --- **Respondent**

For the applicant	: Mr Chandresh Shrivastava, Advocate
For the Respondent	: Mr. Vinod Tekam, Panel Lawyer
For complainant	: Mr. Vivek Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.08.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicants in connection with Crime No. 02 of 2016 registered at P.S. Kotra Road, Raigarh (C.G) for the offence punishable u/s 294, 323, 506, 327/34 of IPC.
2. As per the prosecution case, on 31.12.2015 the applicants along-with other accused came to the complainant and demanded money for liquor and having refused, he was beaten and assaulted.
3. Learned counsel for the applicants would submit that the applicant and the complainant were known to each other and due to some misunderstanding, the report has been made by the complainant and now the parties have entered into mutual compromise and further the complainant do not want to prosecute his case against the applicants, therefore, he prays for releasing the applicants on anticipatory bail.

4. Learned counsel appearing for the complainant submits that he has also filed affidavit that they have amicably settled the dispute and he does not want to prosecute the case and further he will not have any objection if the applicants are enlarged on bail.
5. Learned State Counsel opposes the prayer. However, he do not dispute the fact that the applicants and complainant have entered into mutual compromise.
6. After perusal of the affidavit of the complainant and considering the submissions made by counsel for the parties that they amicably settled the dispute, I am inclined to allow this bail application.
7. Accordingly, the 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 his executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-
 - (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) They 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 any police officer;
 - (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE