

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 810 of 2016

1. Samir Kumar Dutta S/o Shri S. N. Dutta, Aged About 62 Years,
R/o Qtr. No. - 5/C, Sadak No. 67, Sector -6, Bhilai Nagar, Tahsil &
District Durg Chhattisgarh

2. Smt. Rita Dutta W/o Samir Kumar Dutta, Aged About 52 Years,
R/o Qtr. No. -5/C, Sadak No. 67, Sector -6, Bhilai Nagar, Tahsil &
District Durg Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of
Police Station - Bhilai Nagar, District - Durg Chhattisgarh

---- Respondent

For applicants – Shri Jitendra Gupta, Advocate.

For Respondent/State – Shri Lav Sharma, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/08/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 440/2016 registered at Police Station Bhilai Nagar, District Durg (C.G.) for offence punishable under Sections 452, 294, 506, 323 r/w 34 of Indian Penal Code.

2. As per the prosecution case, a report was made by one Majindar Kaur that the applicants who are neighbours alongwith their sons entered into the house of the complainant and abused daughter of the complainant and also assaulted. Thereby, offence is committed.

3. Learned counsel for the applicants submits that the applicants and the complainant are neighbours for 15 years and on the trivial issue report has been made. Incident occurred because of the fact that objection was made by the complainant over keeping of dog and false allegations have been made. Learned counsel therefore submits that the applicants may

be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the statement of the complainant. Considering the nature of dispute, 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 local surety 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

