

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1288 of 2015

1. Ammelal, S/o. Shri Baratu, aged about 36 years, Caste-Kanwar,
2. Viswanath, S/o. Shri Jaglal, aged about 30 years, Caste-Kanwar,
Both R/o. Village- Bundiya, Police Station Bhatgaon, Tahsil-
Bhaiyathan, District – Surajpur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, P.S.
-Bhatgaon, District – Surajpur (C.G.)

---- Respondent

For Applicants	: Mr. Sushil Dubey, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/01/2016

1. Apprehending arrest in connection with Crime No.191/2015 registered at Police Station- Bhatgaon, District – Surajpur (C.G.), for offence punishable under Section 379, 506, 323 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Lalmet Kanwar that she had sown the crop over the land bearing Kh.No.1279/2 and Kh.No.1279/3 and the crop was taken away forcefully by the applicants alongwith other co-accused i.e. father and grand-father of the applicants.
3. Learned counsel for the applicants would submit that they have been falsely implicated in this case as according to the Panchnama, which is part of the charge-sheet, crop was grown over the land Kh.No.1279/2 by the applicant and the other persons, whereas Kh.No.1279/3, though crop was grown by Lalmet Kanwar

but it is not clear that crop of which land was taken away. He further submits that the entire family members of the applicants have been inculpated in this case and the complainant also belonged to the same family. He would further submit that other co-accused in this case has been enlarged on regular bail, therefore, he prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the bail.
5. Perused the case diary. Perusal of the case diary shows that charge-sheet in this case has been filed. Charge-sheet contains panchnama, wherein it is stated that over Kh.No.1279/2, other persons namely Ghertu and Jethu had sown crop in the year 2014-15. Taking in to the facts of this case and the panchnama and since the charge-sheet in this case has been filed, no custodial interrogation may be required in this case, therefore, this Court is inclined to extend the 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

Balram