

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 873 of 2016

1. Shankar Prasad S/o Late Darriram, Aged About 50 Years, R/o Village Bilaspur, P.S. And Batauli, Distt. Sarguja, Civil And Rev. Distt. Sarguja Chhattisgarh.

2. Ram Kumar S/o Shivnath, Aged About 28 Years, R/o Village Bilaspur, P.S. And Batauli, Distt. Sarguja, Civil And Rev. Distt. Sarguja Chhattisgarh.

3. Amit Kumar S/o Hari Prasad, Aged About 23 Years, R/o Village Bilaspur, P.S. And Batauli, Distt. Sarguja, Civil And Rev. Distt. Sarguja Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Batauli, Distt. Sarguja Chhattisgarh.

---- Respondent

For applicants – Shri M.K. Sinha, Advocate.

For Respondent/State – Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

23/09/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 48/2016 registered at Police Station Batauli, Distt. Sarguja (C.G.) for offence punishable under Section 307 of Indian Penal Code.

2. As per the prosecution case, on 26/06/2016 a report was made by Munna Ram that Amit Kumar was sowing the field and nearby Hari Prasad, Shankar and Ram Kumar were standing. Buddnath objected Amit Kumar to sow the field. At that time Amit Kumar opposed and tried to drive the tractor over Buddnath and he got injured. Thereafter, other co-accused Hari Prasad, Shankar and Ram Kumar assaulted by way of club to Munna Ram.

3. Learned counsel for the applicants submits that there is no role played by the applicants. He submits that other co-accused Hari Prasad

has been released on regular bail by this court in M.Cr.C. No.5049/2016 on 1/09/2016 and the injury is only abrasion to Buddnath. Therefore, learned counsel submits that the applicants may be granted benefit of anticipatory bail.

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

5. Perused the statement of Munna Ram. Direct allegations have been attributed against Amit Kumar applicant No.3 that he tried to drive the tractor over the Buddnath. Considering his statement and the role played by applicant No.3 Amit Kumar, I am not inclined to extend benefit of anticipatory bail to applicant No.3 Amit Kumar.

6. Accordingly, anticipatory bail application in respect of **applicant No.3 Amit Kumar** is dismissed.

7. Taking into role played by the applicant No.1 Shankar Prasad and applicant No.2 Ram Kumar, I am inclined to extend benefit of anticipatory bail to them.

8. Accordingly, the anticipatory bail application in respect of **applicant No.1 Shankar Prasad** and **applicant No.2 Ram Kumar** is allowed and it is directed that in the event of arrest of the **applicant No.1 Shankar Prasad** and **applicant No.2 Ram Kumar** 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 No.1 and 2 shall also abide by the following conditions:-

(i) that the applicants No.1 and 2 shall make themselves available for interrogation before the investigating officer as and when required;

- (ii) that the applicants No.1 and 2 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 No.1 and 2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicants No.1 and 2 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Goutam Bhaduri)
JUDGE