

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1046 of 2017

1. Neeta Shrivastava W/o Shri Dilip Shrivastava, Aged About 22 Years R/o Atal Aawash Khamtarai, Bilaspur District Bilaspur Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Station House Officer, P. S. Sarkanda District Bilaspur Chhattisgarh

---- Respondent

And

MCRCA No. 1133 Of 2017

1. Smt. Kumari Shrivastava W/o Shri Raj Kumar Shrivastava Aged About 45 Years R/o Atal Aawash Khamtarai, Bilaspur District Bilaspur Chhattisgarh
2. Durga Shrivastava D/o Rajkumar Shrivastava Aged About 19 Years R/o Atal Aawash Khamtarai, Bilaspur District Bilaspur Chhattisgarh
3. Dilip Shrivastava S/o Rajkumar Shrivastava Aged About 24 Years R/o Atal Aawash Khamtarai, Bilaspur District Bilaspur Chhattisgarh
4. Pramod Shrivastava S/o Shri Rajkumar Shrivastava Aged About 22 Years R/o Atal Aawash Khamtarai, Bilaspur District Bilaspur Chhattisgarh

---- Applicants

Vs

1. State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh

---- Respondent

For Applicants
For Respondent/State

Shri Ishan Verma, Advocate
Shri Gary Mukhopadhyay, GA

Hon'ble Shri Arvind Singh Chandel

Order On Board

19/12/2017

1. Heard.
2. These are the applications filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.213/2017, registered at Police Station Sarkanda, Dist. Bilaspur (CG) for the offence punishable under Section 294 and 34 of the Indian Penal Code and Section 4 & 5 of the Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.
3. It is argued by the learned counsel for the applicants that the applicants are innocent and they have been falsely implicated in the crime in question. According to the applicants, owing to some family dispute, the false case has been foisted against all the family members.
4. Learned counsel for the State would vehemently oppose the bail application.
5. Considering the entire facts situation of the case, particularly for the reason that the offence is triable by the Judicial Magistrate First Class, I am of the opinion that present is a fit case, in which, the benefit of Section 438 of Cr.PC should be extended to the applicants.
6. Accordingly, both the bail applications are allowed and it is directed that in the event of arrest of applicants, if each of them furnishes a personal bond for a sum of Rs.10,000/- with one surety each of the like amount to the satisfaction of the concerned arresting/Investigating Officer or the Court concerned, as the case may be, then, they shall be released on bail on the following further conditions :

(I) that the applicants shall make themselves available for interrogation before the concerned 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.

Sd/-

(Arvind Singh Chandel)
Winter Holiday Judge

Gowri