

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 448 of 2017**

1. Lalit Soni S/o Late Madho Prasad Soni, Aged About 54 Years R/o Ganga Nagar, Phase- 2, Mangla, Bilaspur, Distt. Bilaspur (Chhattisgarh)
2. Arun Soni, S/o Late Madho Prasad Soni, Aged About 33 Years R/o Geetanjali Park, Maharshi School Road, House No. 92, Mangla, Bilaspur, Tahsil & District - Bilaspur (Chhattisgarh)
3. Pravin Soni, S/o Late Madho Prasad Soni, Aged About 31 Years R/o Geetanjali Park, Maharshi School Road, House No. 92, Mangla, Bilaspur, Tahsil & District - Bilaspur (Chhattisgarh)

---- Applicants**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Civil Line, District - Bilaspur (Chhattisgarh)

---- Non-applicant

For Applicants	:	Ms. Fouzia Mirza, Advocate
For State	:	Mr. Lav Sahrma, Panel Lawyer

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****16.06.2017**

1. Apprehending arrest in connection with Crime No. 345/2017 registered at Police Station- Civil Line, District Bilaspur (C.G.), for offence punishable under Sections 294, 506, 323, 427, 452, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. The case of the prosecution, is that, present applicants is said to have assaulted the complainant- Jyotish Dubey and other members of his family on 9.5.2017, as a result of which, Jyotish Dubey is said to have received some injuries.
3. Learned Counsel for the applicants submits that the entire incident has occurred because of a trivial issue of the applicants bursting of crackers,

which was objected by the complainant side. She further submits that it is a case where a counter case has also been lodged and there have been injuries sustained by either side and the accused persons have also received injuries on the head, which stands reflected from the documents enclosed alongwith the bail application. She further submits that initially the offence which was registered against the present applicants was only under Sections 294, 506, 323 and 34 of the IPC, however, later on, an offence under Sections 427, 452 and 325 of the IPC have also been added. Thus, learned Counsel for the applicants prays for grant of anticipatory bail to the applicants.

4. Learned State Counsel opposes the bail application on the ground that apart from the complainant, two other persons have also received injuries.
5. Taking into consideration the peculiar facts and circumstances of the case, particularly, the fact that there is a case and counter case and there were free fight between both the parties, prima facie, a strong case has been made out for grant of anticipatory bail.
6. Accordingly, this anticipatory bail application filed under Section 438 of the Cr.P.C. is allowed.
7. 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/- each with one 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) 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/-

(P. Sam Koshy)
V. JUDGE

Anu