

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1285 of 2016**

1. Sanjay Gupta, S/o. Late Shri Vishnudatt Gupta, Aged About 50 Years, Profession- Business,
 2. Sachin Kumar Gupta, S/o. Late Shri Vishnudatt Gupta, Aged About 38 Years,
- Both R/o. Bazarpara, Baikunthpur, Koriya, Chhattisgarh

----Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
- Baikunthpur, Koriya, Chhattisgarh

---- Respondent

For Applicants	: Mr. Sunil Otvani, Advocate
For Respondent/State	: Mr. Sumit Jhanvar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/11/2017**

1. Apprehending arrest in connection with Crime No.265/2016 registered at Police Station- Baikunthpur, District – Korla (C.G.), for offence punishable under Section 452, 294, 506, 323 of the Indian Penal Code, the applicants have preferred this bail application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that applicants have been falsely implicated in this case. Out of the offence registered against the applicants only the offence under Section 452 of I.P.C. is non-bailable and looking to the contents of the complaint made against the applicant, no case is made out for offence under Section 452 of I.P.C.. Applicants and the complainant are siblings of the same parents and all the property is still recorded in the name of their father, who is now deceased, hence property

enjoyed by all the brothers in a joint status. In the circumstances, no case of trespass is made out against the applicant as the property is subject to common enjoyment by all the brothers. Hence prayed that applicants be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. As per the case against the applicant, a complaint was made by the complainant – Sudhir Gupta, Advocate by profession, that applicants forcefully trespassed into place of residence of the complainant and assaulted the complainant, his wife and daughter causing injuries to them and in the meanwhile applicants were using abusive words and also threatened them with dire consequences. FIR has been lodged and the case is under investigation.
6. Looking to the submissions made and the contents of the case diary, particularly this fact that applicants and complainant are members of the same family may be having some kind of property dispute, hence for this reasons, this Court is inclined to extend the benefit of anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail applications 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 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram