

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 171 of 2018

1. Shashank Trivedi And Anr. Shushil Trivedi Aged About 31 Years R/o Geetanjali park Mangla, P. S. Civil Line Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Shailesh Trivedi S/o Shushil Trivedi Aged About 29 Years R/o Geetanjali park Mangla, P. S. Civil Line Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line Tahsil And District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Devesh G. Kela, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/04/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.622/2017 registered at Police Station-Civil Lines, District – Bilaspur (C.G.), for the offence punishable under Sections 294, 506, 323, 34 & 327 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that the

FIR that was lodged against these applicants initially had not been charged with the offence under Section 327 of IPC and the same has been added subsequently on the basis of the improvement made by the witnesses. This FIR against the applicant is a counter blast of FIR lodged by applicant No.1 against the relatives of Anamika Mishra, co-accused in that case, regarding the incident that had taken place on 28.7.2017 in which applicant No.1 was stabbed by Anamika Mishra along with one another. Hence, no case is made out against these applicants and it is prayed that they may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the *prima facie* case is made out against the applicants according to the present case, hence, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. FIR was lodged against this applicant on 14.8.2017 in which it was stated that applicants came on the spot, abused complainant Animesh Shukla, threatened him for life and thereafter assaulted with hands and fists on account of some previous enmity. On the aforesaid allegations, the offence under Sections 294, 506 & 323 of IPC were registered against the applicants, which are bailable offences. Later on, on 16.8.2017 statement of witnesses have been recorded in which it is stated that when the complainant was sitting at the spot of incident, applicants came there and demanded money from him for purchasing the liquor and on his refusal, they assaulted him and thus offence under Section 327 of IPC was added.
6. As it appears that an improvement has been made in the course of

investigation by the complainant of this case, hence, I am of this opinion that applicants should be granted anticipatory bail.

7. 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 their executing a personal bond in the 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/-

(Rajendra Chandra Singh Samant)
Judge