

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A). No. 303 of 2018

1. Khuman Kurrey S/o Ramsahay Kurrey Aged About 26 Years R/o Village Rehtakhurd, Dhobghatti, Police Station And Tahsil Pandariya, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
2. Chandrabhan Koshle S/o Tulsi Ram Aged About 26 Years R/o Village Amaldiha, Police Station And Tahsil Pandariya, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
3. Puleshwar Kumar S/o Shiv Kumar Kurrey Aged About 25 Years R/o Village Rehtakhurd, Dhobghatti, Police Station And Tahsil Pandariya, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
4. Resham Lal Baghel S/o Parasram Baghel Aged About 22 Years R/o Village Tilaibhath, Post Machhali, Tahsil Pandariya, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh
5. Rajkumar Baghel S/o Magan Ram Aged About 26 Years R/o Village Putkikhurd, Tahsil Pandariya, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Kabirdham, District Kabirdham Chhattisgarh, District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For the applicants : Shri Dharmesh Shrivastava,
Advocate

For the Respondent/State : Shri Anupam Dubey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13.04.2018

1. Apprehending arrest in connection with Crime No.57/2017 registered at Police Station- Pandatarai, District –Kabirdham, (C.G.), for offence punishable under Sections 452, 294, 506, 323, 395 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted that applicants have been falsely implicated in this case, no offence has been committed by any of these applicants. This FIR has been lodged by the complainant in this case as a counter blast to the FIR lodged by applicant No.1 -(Khuman Kurrey) against the son of the present complainant and on that basis the offence under Section 507 of Indian Penal Code and Section 3 (1) (u) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act was registered against him. Pursuant to lodging FIR from both sides, the development has taken place is this, that both the parties have compromised and intimation of such compromise was placed before the Superintendent of Police and Station House Officer, Pandatarai, District –Kabirdham, hence, it is prayed that the applicants be granted anticipatory bail.
3. Learned counsel for the State opposes the bail application and submits that according to FIR and the statement of the witnesses, there is serious allegation against these applicants, hence, they are not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary.
5. On 28.07.2017 the present complainant lodged FIR alleging that these applicants and others forcefully entered in his shop and abused him with abusive words, they threatened to kill him and also cautioned to keep his son in control, at the same time, they

looted the books, others articles and some cash amount also in his shop. Hence, this case.

6. Considered on the submission made, contents of the case diary and perusal of the documents of compromise filed along-with affidavit. After over all consideration, I am of this view that these applicants should be extended the benefit of Section 438 of the Cr.P.C.,
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 offences, 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 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