

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 784 /2017

1. Santosh Kumar, S/o. Setram Sonwani, Aged About 37 Years.
2. Shiv Kumar, S/o. Setram Sonwani, Aged About 45 Years.

Both R/o. Village Chakarda, Police Station Sarsiva, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Sarsiva, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mr. Shailendra Dubey, Advocate.
For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.01.2018

1. Apprehending arrest in connection with Crime No.208/2017 registered at Police Station- Sarsiva, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 294, 506, 307/34 of Indian Penal Code, the applicants have preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Homan Ram Sonwani lodged a report on 19.08.2017 that while he was sitting alongwith his friend in a village in the veranda of his house, at that time, the applicants came there abused him and assaulted by way of hand & fists and by way of bamboo stick, which was enough to cause death. Thereby, the offence has been committed.
3. Learned counsel for the applicants would submit that out of the party politics the applicants have been implicated in this case, the injuries were simple in nature and the applicants have been excommunicated by the villagers, which would be evident from the various records filed alongwith this bail application. He referred to

them and would submit that false allegations have been attributed, therefore, the applicants may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. No representation is made even in the frequent pass over on behalf of the objector.
6. Perused the case diary and documents as also the MLC. The various report made and excommunication of the applicants by the villagers also perused. It *prima facie* appears that applicants have been society excommunicated by few villagers. Considering the same and various reports made by the applicants which are on record, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicants.
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 furnishing a personal bond to a 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.