

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 593 of 2018**

1. Smt. Archana Picha, S/o. Dr. B.C. Picha, Aged About 55 Years, R/o.- College Road, Mahasamund, Tahsil And District- Mahasamund, Chhattisgarh.
2. Deepak Jain, S/o. Late Lalchand Katariya, Aged About 32 Years, R/o- 203, Kuber Apartment, Shanker Nagar, Raipur, Chhattisgarh.
3. Ritesh Jain @ Gappu, S/o. Shri Lunkaran Jain, Aged About 36 Years, R/o.- Karshan Height Fafadih Chowk, Raipur, Chhattisgarh.
4. Ajay Deshlahra, S/o. Late Sureshchand Deshlahra, Aged About 52 Years, R/o.- Infront Of Maina Bar, Changorabhatha, Raipur, District- Raipur, Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through- The Police Station Mowa, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. T.K. Jha, Advocate

For Respondent/State : Mr. Vinod Tekam, Govt Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/07/2018**

1. Apprehending arrest in connection with Crime No.168/2018, registered at Police Station – Mowa, Raipur, District – Raipur (C.G.) for offence punishable under Section 147, 452, 294, 323, 506 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants, that the applicants have been falsely implicated in this case by the complainant because of some petty dispute between them. On subsequent stage, compromise has been entered between the complainant and the applicants. The complainant made his

appearance before the Sessions Court and has submitted that he has no objection, if the, applicants are granted anticipatory bail as he has compromised the matter with the applicants, which was not taken into consideration. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, on the date of incident, the applicants forced their entry into the house of the complainant Kamlesh Jain and by using abusive words threatened him and assaulted him causing simple injuries to him. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering all the material present in the case diary and also perused the certified copy of the order sheet of the concerned Court, in which it is recorded that the complainant has given his appearance and has made statement as mentioned herein above, hence, for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram