

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 673 of 2018

1. Khemchand S/o Antaram Satnami Aged About 35 Years
2. Rekhchand S/o Antaram Satnami Aged About 53 Years
3. Lilak S/o Antaram Satnami Aged About 50 Years
4. Anil S/o Rekhchand Satnami Aged About 34 Years

All are R/o Village Hedaspur, Police Station Mungeli, District Mungeli, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh Through The Station House Officer, Police Station City Kotwali Mungeli, District Mungeli, Chhattisgarh

---- Non-Applicant

For Applicants	:	Mr. Praveen Das, Advocate
For Non-Applicant	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/07/2018

1. The present is an application under Section 438 of Cr.P.C. seeking for grant of anticipatory bail to the applicants who are apprehending their arrest in connection with Crime No. 189/2016 registered at Police Station City Kotwali, Mungeli, District Mungeli, Chhattisgarh for the offence punishable under Sections 147, 204, 323, 325, 307, 506 of the Indian Penal Code.
2. The allegations against the present applicants as per the case of prosecution is that the present applicants along with the other accused persons is said to have had a free fight with the opposite party, the complainant side and in the result causing some injuries and later the F.I.R. in this regard was lodged on the same day i.e. 15.04.2016.

3. The counsel for the applicants submits that it is a case where there was an F.I.R. has been lodged by both the sides i.e. the accused as well as the complainant side and both the disputing parties are relatives, further pending the dispute before the authorities, the matter has been resolved amicably between the parties and they have also moved an appropriate application for compounding of the offence and except for the offence under Section 307 all other offences, which were leveled against the parties have been compounded and for these reasons the counsel for the applicants has prayed for the grant of anticipatory bail, so far as the present applicants are concerned.
4. The State counsel does not dispute the aspect so far as the compounding of the other offences before the trial Court is concerned, as would also be reflected from the rejection of bail order is concerned.
5. Given the entire facts and circumstances of the case, particularly taking note of the fact that the disputing parties are relatives among themselves and have also amicably resolved their dispute, this Court is of the opinion that prima facie a strong case is made out for grant of anticipatory bail.
6. Accordingly, the present application under Section 438 of Cr.P.C. is allowed. It is ordered that in the event of arrest of the applicants in connection with Crime No. 189/2016 registered at Police Station City Kotwali, Mungeli, District Mungeli, Chhattisgarh for the offence punishable under Sections 147, 204, 323, 325, 307, 506 of the Indian Penal Code, if they furnish personal bond for a sum of **Rs.25,000/- with one surety** each of the like amount to the satisfaction of the concerned arresting/ investigating officer or the

Court concerned, as the case may be, then they shall be released on bail on the following further conditions :

- (i) that the applicants shall make themselves available for interrogation before the concerned 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 them 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/-
(P. Sam Koshy)
Judge

Ved