

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 679 of 2018**

1. Dhan Prakash Sahu, S/o. Late Mahesh Ram Sahu, Aged About 50 Years,
2. Ramkumar Sahu, S/o. Late Mahesh Ram Sahu, Aged About 48 Years,
3. Smt. Bhuneshwari Sahu, W/o. Rajesh Kumar Sahu, Aged About 32 Years,

All are R/o Village Sarwani (Baradwar), Police Station Baradwar, District Janjgir Champa Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicants	: Mr. Kamlesh Kumar Pandey, Advocate
For Respondent/State	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/07/2018**

1. Apprehending arrest in connection with Crime No.213/2017, registered at Police Station – Baradwar, District – Janjgir-Champa (C.G.) for offence punishable under Section 294, 506, 323, 326, 341, 34 read with Section 34 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. No case is made out against the applicants U/s. 326 of I.P.C.. With respect to the injury, an observation has been made by this Court in order passed in M.Cr.C. No.7487/2017 dated 16.01.2018 on the application filed by the co-accused person. Apart from that rest of the offences registered against them are bailable in nature. Hence, for this reason, 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. It is submitted that there is sufficient evidence to show that offence under Section 326 has been committed. Hence, no case is made out for grant of bail.
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, because of some land dispute, the applicants and others assaulted the complainant Krishna Kumar Sahu with clubs and Axe causing various injuries to him. One incised wound was caused to Krishna Kumar Sahu, which was reported as grievous by the examining doctor but the gravity of such injury does not appear to be of such nature as defined under Section 320 of the Indian Penal Code, hence, after due consideration of the facts and circumstances of the case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

7. 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