

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 697 of 2018

1. Palas Pandey S/o Suraj Pandey Aged About 19 Years R/o Imalipara Police Station Civil Line Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Swapnil Cherian S/o R. Cherian Aged About 26 Years R/o Magarpara Police Station Civil Line Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Rishabh Jain S/o Pradeep Jain Aged About 22 Years R/o Deepupara Police Station Tarbahar Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Talib Khan S/o Sabir Khan Aged About 22 Years R/o Chuchuhiyapara Police Station Torwa District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Kotwali District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants : Mr. P.K. Tulsyan, Advocate.

For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/07/2018

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime

No.182/2018 registered at Police Station- Kotwali, District – Bilaspur(C.G.), for the offence punishable under Section 147, 148, 294, 506, 458/34 of the Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. The fact is this that the son of complainant Jai Soni and others had formed an unlawful assembly and then abused, threatened after committing trespass in the premises, where the applicants were celebrating birthday of niece of applicant No.1 and also assaulted causing injuries to them, of which one FIR was immediately lodged on the same day i.e. 12.4.2018, which has been registered in P.S.-City Kotwali, as Crime No.180/2018. Subsequent to that complainant, who is father of one of the accused in crime No.180/2018 has lodged this false FIR on 13.4.2018 at about 9.15 p.m. after due deliberation which shows it is concocted case, hence, it is prayed that applicant be enlarged on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the FIR is named against the applicants. There is statement of the applicants and other witnesses about the incident that has taken place, hence, they are not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. The allegation against these applicants is this, that on the date of incident they committed house trespass in the house of complainant Puroshottam Soni and then after forming an unlawful assembly and trespassed the house of complainant armed with dangerous weapons, have abused and threatened the complainant and others. Hence, this case.

6. Considered on all the circumstances of this case, taking into consideration this fact that one FIR was lodged by the applicant side against the complainant side about the incident of the same day and as there is no sufficient explanation to the delay of 24 hours in lodging FIR by the complainant in this case, hence, for these reasons, I am of this view that present is a fit case where the applicants can be granted anticipatory bail.
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 their executing a personal bond in the sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
- (i) that the applicants shall make himself 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