

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 713 2018**

1. Smt. Chetana Chandrakar, W/o. Shri Piyush Chandrakar, Aged About 26 Years, R/o. Village Bemcha, P.S. and Tehsil Mahasamund, District Mahasamund Chhattisgarh.
2. Mohanlal Chandrakar, S/o. Late Shri Shobharam Chandrakar, Aged About 65 Years, R/o. Village - Bemcha, Police Station and Tehsil Mahasamund, District Mahasamund Chhattisgarh.
3. Piyush Chandrakar, S/o. Shri Mohanlal Chandrakar, Aged About 30 Years, R/o. Village Bemcha, P.S. and Tehsil Mahasamund, District Mahasamund Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station Mahasamund, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Mr. Anish Tiwari, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/07/2018**

1. Apprehending arrest in connection with Crime No.208/2018, registered at Police Station – Mahasamund, District– Mahasamund (C.G.) for offence punishable under Section 452, 294, 323, 506/34 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. The fact is this that applicants and the complainant side have property dispute between them and all of them resided in the campus of the same building. On the date of incident quarrel has taken place in which there was a free fight between both the parties regarding which applicants have also lodged FIR against the complainant and these

applicants have also suffered injuries. FIR against the complainant is registered under Crime No. 209/2018 for the offence punishable under Section 294, 323, 452, 506, 34 of the Indian Penal Code. It is further submitted that complainant and others has been granted anticipatory bail by the Coordinate Bench of this Court and the applicants are also similarly placed. 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. It is submitted that looking to the direct statement made by the complainant and the witnesses against the applicants about commission of offence, they are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per prosecution case, the allegation against the applicants is this that on the date of incident they committed house trespass in the house of the complainant and thereafter abused and threatened and also assaulted and caused injuries to the complainant and others. Hence, this case.
6. Considered the submissions made and the contents of the case diary and also considering this fact that on the FIR lodged by the applicants, counter case is pending against the complainant side also and also for the reason that complainant side, who is accused in counter case has been benefited with grant of anticipatory bail, 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