

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 890 of 2018

1. Smt. Suman Banjare W/o Shri Chhannulal Banjare, Aged About 40 Years, Sarpanch Gram Panchayat Bartori, R/o Village Bartori, Police Station Bilha District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Virendra Banjare S/o Shri Makhanlal Banjare, Aged About 34 Years, R/o Village Khainda, Police Station, Tahsil And District Baloda Bazar Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
3. Rakesh Banjare S/o Shri Rajendra Banjare, Aged About 22 Years, R/o Village Khainda Police Station, Tahsil And District Baloda Bazar Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Officer In-Charge, Police Station Bilha, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants – Mr. Amit Kumar Chaki, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-08-2018

1. Apprehending arrest in connection with Crime No.91/2017, registered at Police Station – Bilha, District Bilaspur, Chhattisgarh for offence punishable under Section 448, 427, 380, 34 of the IPC, the applicant have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case by the complainant who happened to be tenant of the applicants. The applicants had simply approached the complainant asking him to vacate the tenanted premises when the dispute arose and a totally false FIR has been lodged against them. Charge sheet has been filed after completion of the investigation, hence, there is no requirement of any custodial interrogation in this case. Hence, it prayed that the applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. It is alleged that on the date of incident these applicants committed house-trespass in the tenanted premises in possession of complainant Ashok Kumar Miri and caused mischief by throwing, damaging and stealing the things that were inside the tenanted house and thereafter they also manhandled and threatened the complainant and locked the tenanted house, because of which, the FIR has been lodged.

6. Considered on the entire material present in the case diary and considering the facts that there is no statement of specific items that are alleged to have been stolen by the applicants, apart from the offence under Section 380 of the IPC rest of the offences registered under Section 448 and 427 of the IPC are bailable in nature, also for the reason that now the investigation is complete, I am of this opinion that these applicants should be benefited with grant of anticipatory bail.

7. Consequently, the anticipatory bail application filed by the applicants is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to

fair and expeditious trial; and

- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil