

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1108 of 2018**

1. Jitendra Pratap Singh S/o Shri Sukul Prasad Gadhewal Aged About 39 Years R/o Katiyapara, Durga Mandir Chowk Juna Bilaspur P. S. City Kotwali, Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Kishore Kamle S/o Shri Punamchand Kamle Aged About 33 Years R/o Basant Vihar Colony, P. S. Sarkanda, Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Sarkanda Distt. Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants : Ms. Madhunisha Singh, Advocate.
 For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.09.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 551 of 2018, registered at Police Station – Sarkanda, Bilaspur, District – Bilaspur, Chhattisgarh for the offence punishable under Section 294, 323, 506/ 34, 279 and 452 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they have been

falsely implicated in this case. According to the material present in the case-diary, no case is made out against the applicants for the offence under Section 452 of the IPC and rest of the offences registered against them are bailable in nature. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. It is alleged that on account of some dispute, the applicants came to the house of complainant – Mohan Wankhede. When he opened the door, he was dragged out of his house and then assaulted and injured and the property present on the spot was also damaged. It is also alleged that the relatives of the complainant were also threatened and abused by the applicants. Hence, this case.

7. After due consideration of all the aspects in this case, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. 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 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. They 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 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/-

(Rajendra Chandra Singh Samant)
Judge