

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1120 of 2018**

1. Shekhar Yadav S/o Ishwar Yadav Aged About 28 Years R/o- Village- Rahngi, Tahsil- Bilha, Police Station- Chakarbhata, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Ajay Dhurw S/o Late Bajrang Prasad Dhurw Aged About 26 Years R/o- Naya Para, Bodri, Tahsil- Bilha, Police Station- Chakarbhata, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Devilal Kausik S/o Gitaram Kausik Aged About 26 Years R/o- Chhatuna, Tahsil- Bilha, Police Station- Chakarbhata, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Rakhi Yadav S/o Ramkrishna Yadav Aged About 28 Years R/o- Uslapur, Tahsil- Takhatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Pramod Kumar Porte S/o Tijou Ram Porte Aged About 25 Years R/o- Uslapur, Tahsil- Takhatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Shri A.K. Yadav, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, 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. 172 of 2018, registered at Police Station – Bilha, Bilaspur, District – Bilaspur, Chhattisgarh for the offence punishable under Section 147, 148, 341, 294, 506B and 307 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 307 of the IPC. The fact is that the applicants and the complainant had some dispute on account of death of driver – Videshi Nishad. As the applicants were alleging that the driver was murdered, but the complainant had reported accidental death to the police, because of which, the altercation took place in which the complainant had suffered simple injuries. Later on, when the applicants filed a complaint to the police raising doubts on the death of deceased – Videshi Nishad then the offence under Section 307 of the IPC was deliberately added to harass the applicants. 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. It is submitted that the complainant has given the statement that the applicants had intended to cause his death. Hence, the applicants are not entitled for grant of anticipatory bail.

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

6. It is alleged that on the date of incident, the applicants raised dispute on the death of driver – Videshi Nishad and consequent to that, they stopped complainant – G.M. Pandey and then applicant No.2 – Ajay Dhurw assaulted him with a rod and caused injuries to him. FIR has been lodged against all the applicants that they were all engaged in assaulting and injuring the complainant. Hence, this case.

7. On perusal of the medical report attached in the case-diary, it appears that the doctors have reported that the injuries caused to the complainant were simple in nature. Hence, 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