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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1121 of 2018**

1. Semal Deepak S/o Shri Semal Ramesh Aged About 25 Years R/o- Ambedkar Para, Ward No. 8, Konta, Tahsil Konta, District- Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh
2. Kiran S/o Shri Janki Babu Aged About 23 Years R/o- Ambedkar Para, Ward No. 8, Konta, Tahsil Konta, District- Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh
3. Sodi Ravi S/o Shri Sodi Raju Aged About 21 Years R/o- Ambedkar Para, Ward No. 8, Konta, Tahsil Konta, District- Sukma, Chhattisgarh., District : Sukuma, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through- Station House Officer, P.S.- Konta, District- Sukma, Chhattisgarh., District : Sukuma, 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. 10 of 2018, registered at Police Station – Konta, Sukma, District – Sukma, Chhattisgarh for the offence punishable under Section 294, 452, 427, 323 and 506B/ 34 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they have been

falsely implicated in this case. Out of the offences registered against the applicants only Section 452 of the IPC is non-bailable, which is not the main offence in this case. 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 applicants have criminal antecedents of having been prosecuted two more similar cases in the past which shows that they are habitual offenders. Hence, they 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 account of some dispute, complainant – B. Mutyal Rao was called on the spot where he was abused and assaulted by the applicants and when the complainant rushed to his own house they chased and assaulted him.

7. Considering the fact that the main offences in this case are bailable in nature, 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