

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 438 of 2017**

1. J.P. Dubey, S/o. Shri Ram Gopal Dubey, Aged About 50 Years,
2. Pushpendra Dubey, S/o. Shri J.P. Dubey, Aged About 28 Years,
3. Jyotish Dubey, S/o. Shri J.P. Dubey, Aged About 21 Years,

All are R/o. Geetanjali Park, Mangla, H. No. 4/5, Police Station- Civil Line, Bilaspur, District-Bilaspur, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Station House Officer, Police Station- Civil Line, Bilaspur, District -Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Aaditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****19/01/2018**

1. Apprehending arrest in connection with Crime No.346/2017, registered at Police Station – Civil Line, Bilaspur, District – Bilaspur (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 incident was only to the extent that at the time of incident, death of wife of the applicant No.1 had taken place and at the same time, the family

members of the complainant, who are neighbors of the applicants were celebrating the birth of child by shooting crackers. For the reason of bereavement, the applicants simply requested the neighbors not to shoot the fire crackers, because of which dispute arose and the incident had been free fight in which applicants have received some injuries. Applicant no.1 and 2 suffered fractures, whereas complainants have suffered simple injuries. On the other hand, the FIR lodged by the applicants, case was registered against the complainant and others, in which they have been benefited with grant of anticipatory bail by the Coordinate Bench of this Court. Hence, it is prayed that the applicants may also be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that one of the co-accused Pushpraj Dubey had been arrested and the applicants are evading arrest so far and no case is made out in their favour for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The case against the applicants is that on the date of incident the family of the complainant were celebrating on the occasion of birth child in their family by firing crackers. On request of the applicants, the family members of the complainant stopped fire of crackers, but thereafter, applicants and another forced their entry in the house of the complainant and assaulted them with clubs causing injuries to Pravin Soni, Lalit Soni and Bechu. On the basis of the FIR lodged,

case has been registered against these applicants and one another.

6. Considered the submissions made and the contents of the case diary. As it appears that this is a counter case of the same incident and on the basis of the FIR lodged by the applicants' side, another case has been registered against the complainant party. As the complainant party have been benefited with grant of anticipatory bail by the Coordinate Bench of this Court, 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

Balram