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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1333 of 2018**

Dhananjay Chandrakar @ Rambhou S/o Dwarika Prasad Chandrakar Aged About 24 Years R/o Murum Khadan Khamtarai ,police Station Sarkanda, Tahsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant	:	Shri Priyank Rathi, Advocate on behalf of Shri Vikas Shrivastava, Advocate.
For the Respondent/State	:	Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.11.2018**

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 applicant who is apprehending arrest in connection with Crime No.623 of 2018 registered at police station Sarkanda, District Bilaspur, Chhattisgarh for the offence punishable under Sections 294, 506, 323, 452 and 427/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Apart from the offence under Section 452 of the IPC the other offences registered are bailable in nature which are the

main offences. Similarly placed co-accused persons have been granted regular bail by the Court concerned and the applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant 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 he has been named in the FIR as one of the main assailants. Hence, no case is made out for grant of anticipatory bail to the applicant.

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

6. It is alleged that on the date of incident this applicant alongwith the co-accused persons forced his entry into the house of complainant – Lahura Bai Sapre and then abused, threatened, assaulted, caused injuries and damaged the property of the complainant and also injured the victims.

7. Considered the entire material present in the case-diary. As it appears that the main offences are bailable in nature, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him 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. The applicant shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge