

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 1324 of 2018**

1. Janak Giri S/o Shri Vidur Giri, Aged About 64 Years, Caste Gosai, R/o Village Jamchua Thana Narayanpur, Civil And Revenue District -Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
2. Bhagwat Giri S/o Shri Janak Giri, Aged About 34 Years, Caste Gosai, R/o Village Jamchua Thana Narayanpur, Civil And Revenue District -Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Narayanpur, Civil And Revenue District -Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

**---- Non-applicant**

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For Applicants – Shri Sumit Shrivastava, Advocate.

For Non-applicant/State – Shri Ashish Shukla, Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**01-11-2018**

1. Apprehending arrest in connection with Crime No.35/2018, registered at Police Station – Narayanpur, District -Jashpur, Chhattisgarh for offence punishable under Section 307, 147, 324, 294, 506, 323 of the IPC, the applicants have preferred this application for grant of anticipatory bail under Section 438 of the Cr.P.C.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them according to the material in the case diary. Similarly placed co-accused Geeta has been granted anticipatory bail by this Court. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that name of both these applicants mentioned in the FIR and the statement of the witnesses about their being engaged in the commission of the offence. Hence, they are not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, these applicants on the date of incident along with others were present on the spot of the incident when assault was made by the applicants/accused party to Shobhnanath and Jainath with axe and clubs with intention to cause death and injuries were caused to both of them. Hence, this case.

6. On perusal of the statement of the witnesses, it appears that name of applicant No.1 though appears in their statement, but his direct participation in the assault has not been mentioned by any of the witnesses, whereas, applicant No.2 is named as one of the assailants. Hence, looking to the difference in the role played by these applicants, I am of this opinion that applicant No.1 – Janak Giri deserves to be benefited with grant of anticipatory bail, whereas, no case is made out in favour of applicant No.2 for grant of anticipatory bail.

7. Consequently, the prayer made by applicant No.2 Bhagwat Giri for grant of anticipatory bail is hereby rejected.

8. The prayer made by applicant No.1 Janak Giri for grant of anticipatory bail is allowed. It is directed that in the event of arrest of applicant No.1 Janak Giri 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. This applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**