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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1406 of 2018**

1. Jamuna Jogi W/o Shri Surendra Jogi Aged About 44 Years R/o Ward No. 10, Jogi Gali, Manjhawapara, Jarhabhata, Bilaspur, Police Station- Civil Line, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Munni Patre @ Sunita Patre W/o Shri Dhannu Patre Aged About 50 Years R/o Ward No. 10, Jogi Gali, Manjhawapara, Jarhabhata, Bilaspur, Police Station- Civil Line, Civil And Revenue District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Shri Paras Mani Shriwas, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.11.2018**

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 applicants who are apprehending arrest in connection with Crime No. 746 of 2018, registered at Police Station – Civil Lines, District Bilaspur, Chhattisgarh for the offence punishable under Sections 294, 323, 506 and 452/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. Apart from the offence under Section 452/ 34 of the IPC, rest of the offences registered against them are bailable in nature. The applicants have not committed any offence and on the contrary, it was the complainant and others who had trespassed the house of the applicants and then assaulted, threatened and abused them. Regarding which, a counter FIR has been registered as Crime No. 747 of 2018 against the relatives of the complainant for the offences under Sections 147, 148, 149, 294, 323, 506 and 452 of the Indian Penal Code. Hence, the allegation against the applicants is totally false for the purpose of creating a defence. 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 looking to the evidence present in the case-diary, no case is made out for grant of anticipatory bail to the applicants.

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

6. FIR has been lodged against the applicants that on the date of incident they committed house trespass in the house of the complainant and then abused, threatened and assaulted her daughter – Deepika. Hence, this case.

7. Considering the material present in the case-diary and also considering the fact that the counter case registered against the sons of

complainant – Vimla Mahilange, 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