

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A) No. 18 of 2019**

1. Chetan Sarathi, S/o. Late Ramkumar Sarathi, Aged About 25 Years,
 2. Niranjana Sarathi, S/o. Yadav Sarathi, Aged About 26 Years,
 3. Homendra Sarathi, S/o. Dara Sarathi, Aged About 23 Years,
 4. Omprakash Sarathi, S/o. Prem Singh Sarathi, Aged About 26 Years,
 5. Bhupendra Sarathi, S/o. Yadav Sarathi, Aged About 24 Years,
- All R/o Ward No. 08 Turkaripara, Khairagarh, Police Station and Tahsil Khairagarh District Rajnandgaon, Chhattisgarh.

---- Applicants***Versus***

State Of Chhattisgarh, Through : The Station House Officer, Police Station Khairagarh District Rajnandgaon Chhattisgarh.

---- Respondents

For Applicants	: Mr. C.K. Kesharwani, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/02/2019**

1. The applicants are apprehending arrest in connection with Crime No.271/2018, registered at Police Station – Khairagarh, District – Rajnandgaon for the offence punishable under U/s. 147, 148, 149, 294, 506, 323 & 326 of the Indian Penal Code, 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. No case is made out against the applicants for commission of offence under Section 326 of the Indian Penal Code, which has been added later on, whereas the applicants were benefited with bail by the police

station itself for the reasons that the offences registered were bailable in nature. Therefore, it is prayed the applicants may also be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the applications for grant of bail and the submissions made in this respect. It is submitted that one of the injured Chandrakant Bidani has suffered one fracture on parietal region, therefore, the offence under Section 326 of I.P.C. is made out, hence, the applicants are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As alleged on the date of incident, on the event of immersion of Ganesh idol, a dispute arose between the applicants and the complainant party in which it is alleged that these applicants formed an unlawful assembly abused, threatened and assaulted Chandrakant Bidani, Rupesh, Mukesh, and others. One of the injured Chandrakant Bidani has suffered one fracture. In the development later on, it has been recorded in the statement under Section 161 of Cr.P.C. that Chandrakant Bidani was assaulted with iron rod, hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering on all the material present in the case diary and also perused the copy of the FIR lodged by the applicants side against the complainant side and similar offences have been registered against the complainant side also, hence for this reason, 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