

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 261 of 2019**

1. Mukesh Kumar, S/o. Bhawani Shankar Sharma, Aged About 32 Years,
2. Bhawani Shankar Sharma, S/o. Hanuman Prasad Sharma, Aged About 65 Years,
Both R/o Village- Mudkhusra, Tahsil and Police Station- Charama, District- North Bastar Kanker, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Police Station- Charama, District- North Bastar, Kanker, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Sandeep Shrivastava, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/03/2019**

1. Apprehending arrest in connection with Crime No.6/2019, registered at Police Station – Charama, District – North Bastar, Kanker (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. No case of any non-bailable offence is made out against the applicants according to the FIR lodged and the statement given by the witnesses. There is no material to make out the offence under Section 452 of the Indian Penal Code as there is nothing to suggest that the applicants had made any preparation in the said commission of offence. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged on the date of incident, the applicants committed house trespass in the house of the complainant – Gopal Prasad Trivedi abused him threatened and then also assaulted him with hands and fists.
6. Considered the submissions made and the contents of the case diary. In the investigation made so far there is nothing to suggest about any preparation made by the applicants to make out an offence under Section 452 of the Indian Penal Code, 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

Balram