

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 427 of 2019**

- Ram Prasad Bharadwaj S/o Late Bihari Bharadwaj Aged About 26 Years Caste-Satnami, R/o Village Satnamipara, Bilha, Police Station Bilha, Civil & Revenue District- Bilaspur, Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station- Pathariya, Civil & Revenue District- Mungeli, Chhattisgarh.

**---- Respondent**

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**MCRCA No. 429 of 2019**

1. Tarun Kumar S/o Shri Firanta Aged About 20 Years Caste- Lodhi, Village- Gangdwari, Police Station-Pathariya, Civil And Revenue District- Mungeli, Chhattisgarh.
2. Gulshan Kumar, S/o Shri Beduram Aged About 21 Years Caste-Satnami, Village- Gangdwari, Police Station- Pathariya, Civil And Revenue District- Mungeli, Chhattisgarh.
3. Manharan S/o Shri Ganesh Aged About 30 Years Caste- Satnami, R/o Village- Odagan, Police Station- Bilha, Civil & Revenue District- Bilaspur, Chhattisgarh.

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Pathariya, Civil & Revenue District- Mungeli, Chhattisgarh.

**---- Respondent**

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| For Applicants       | : | Mr. Paras Mani Shriwas, Advocate. |
| For Respondent/State | : | Mr. Rahim Ubwani, Panel Lawyer.   |
| For Objector         | : | Mr.G.V.K Rao, Advocate.           |

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

**Order On Board**

**02/04/2019**

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in both the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.592/2017 registered at Police Station-Pathariya, District –Mungeli(C.G.), for the offence punishable under Sections 363, 366, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. It is submitted that on the basis of the FIR lodged and the statement given by the victim in this case, absolutely no case is made out under Section 366 of IPC. The remainder offence under Section 363 of IPC is bailable in nature. Because of erroneous registration of offence under Section 366 of IPC, the applicants have apprehension of being arrested, therefore, it is prayed that they may be granted anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect.
5. Learned counsel for the objector after adopting the argument submitted by counsel for State opposes the bail application and submissions made in this respect.
6. Heard both the parties and perused the case diary.
7. Complainant Chandra Prakash Malhotra has lodged FIR, that on the date of incident he had been to picnic with applicant Tarun and Gulshan. When he got intoxicated, he was abducted by one Manharan and taken to some place and kept in confinement for some time and, thereafter, he was released. He has come to the police and lodged the

FIR.

8. On the basis of the statement given by the complainant, there is material for offence under Section 363 of IPC only, therefore, after due consideration, I am of this opinion that this is a fit case where applicants be enlarged on anticipatory bail.
9. Accordingly, the anticipatory bail application of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety 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 them/there 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