

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 431 of 2019

1. Sonit Kumar S/o Shri Heeranand Singh Aged About 21 Years
2. Shivkumar S/o Shri Prasanna Say Aged About 37 Years
3. Jayprakash S/o Shri Parmanand, Aged About 25 Years
4. Chandrakant S/o Shri Nandlal Aged About 32 Years
5. Devkumar S/o Shri Prasanna Say Aged About 32 Years

All are R/o Village - Kharkatta Thana - Patthalgaon, Civil and Revenue District Jashpur Chhattisgarh.

----Applicants

Versus

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

---- Respondent

For Applicants	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. I. Lakra, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/04/2019

1. Apprehending arrest in connection with Crime No.14/2019, registered at Police Station – Patthalgaon, District – Jashpur (C.G.) for offence punishable under Section 294, 323, 506, 147, 149, 458 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 is made out for prosecution of the applicants under Section 458 of

I.P.C. as according to the prosecution case, none of the applicants was armed with any kind of weapon at the time of incident. Apart from that the incident has taken place outside the house of the complainant. Therefore, the offence of house trespass is falsely registered. Rest of the offences registered against the applicants are bailable in nature. 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. It is submitted that according to the statement given by the complainant, the applicants committed house trespass and assaulted and injured the victim in this case. Hence, they 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. FIR is lodged on the date of incident that the applicants committed house trespass in the house of the complainant Nehru Ram. The applicants firstly formed an unlawful association and thereafter committed house trespass and then by abusing and threatening, and assaulted him with hands and fists. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering on the entire material present in the case diary as there is no evidence of preparation made by the applicants for committing the assault on the complainant, 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 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