

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 534 of 2019

- Kamlesh Karamchandani, S/o Shri Chandra Lal Karamchandani, Aged About 30 Years, R/o Shaktidham, T-34/3, Main Road, Bairagarh, Police Station- Bairagarhm Tahsil and District- Bhopal, Madhya Prsdesh.

---- Applicant

Versus

- Rajendra Sarthi S/o Late Shri J. R. Sarthi Aged About 51 Years R/o Majhwapara, Jarhabhata, Ward No. 12, Bilaspur, Police Station- Civil Lines, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Achyut Tiwari Advocate.

For Respondent : Mr. K.P.S. Gandhi, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Complaint Case No.86/2018 pending before JMFC, Bilaspur, Chhattisgarh, for the offence punishable under Sections 294, 452, 506(Part-II), 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant under Section 452 of IPC, which is the only non-bailable offence registered against the applicant. Rest of the offences are bailable, hence, it is prayed that he may be granted anticipatory bail.
3. Learned counsel for the complainant opposes the bail application and submissions made in this respect.

4. Heard both the parties and perused the case diary.
5. In the complaint filed by the respondent, it is alleged that on the date of incident in connection with the dispute regarding tenancy the applicant committed house trespass in the house of the complainant and then abused, threatened, assaulted and caused simple hurt to the complainant. Hence, this case.
6. After considering the entire material present in the case diary, it appears that there is no evidence regarding any preparation having been made for committing house trespass in the house of the complainant, for this reason, I feel inclined to allow the application to this applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha