

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 598 of 2019**

1. Dinesh Kumar Saini S/o Kishan Prasad Mali Aged About 35 Years R/o Behind Cooling Tower, Balconagar, Tahsil And District Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Ashish Singh Baghel S/o Amerika Singh Aged About 28 Years R/o Qr. No. 451/a Type Sector 05 Balco Nagar, Tahsil And District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Balco Nagar, District - Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicants : Shri Ashutosh Shukla, Advocate.
 For the Respondent/State : Smt. Smita Jha, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****03.05.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicants who are apprehending arrest in connection with Crime No. 88 of 2019, registered at Police Station – Balconagar, District Korba, Chhattisgarh for the offence punishable under Sections 294, 506, 341, 342 and 384 of the Indian Penal Code.
3. It is submitted by counsel for the applicants that they have been falsely implicated in this case. No case is made out against the applicants

under Section 384 of the IPC and rest of the offences registered against them are bailable in nature. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged, these applicants by putting under threat complainant – Mohd. Sheikh Huzef, who is an Engineer in the Company at Balco Nagar, took him to a place and confined in a room for sometime. The complainant was continuously threatened and abused by the applicants and then the applicants pressurized him to give employment to the members of the union of which the applicants were the leaders. Thereafter, the complainant was released from the confinement, after he gave assurances to them. Hence, this case.

7. Considering the nature of the case against the applicants, I am of the considered view that the present is a fit case where the applicants should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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. They 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 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