

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 617 of 2019

1. Rakesh Kumar Kaushik S/o Shri Chhote Lal Kaushik Aged About 20 Years Caste - Kaushik, R/o Village - Pakariya (Jhulan), Police Station Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.
2. Naresh Kumar Kaushik S/o Late Manharan Lal Aged About 29 Years Caste - Kaushik, R/o Village - Pakariya (Jhulan), Police Station Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.
3. Ved Prakash Kaushik S/o Shri Shatruhan Prasad Kaushik Aged About 20 Years Caste - Kaushik, R/o Village - Pakariya (Jhulan), Police Station Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.
4. Chhotaku Ram Kaushik S/o Late Dashrath Lal Kaushik Aged About 59 Years Caste - Kaushik, R/o Village - Pakariya (Jhulan), Police Station Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.
5. Narendra Kumar Kaushik S/o Shri Chhotaku Ram Kaushik Aged About 28 Years Caste - Kaushik, R/o Village - Pakariya (Jhulan), Police Station Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.
6. Vikas Kumar Kaushik S/o Shri Shatruhan Prasad Kaushik Aged About 22 Years Caste - Kaushik, R/o Village - Pakariya (Jhulan), Police Station Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.
7. Chhote Lal Kaushik S/o Late Dashrath Lal Kaushik Aged About 50 Years Caste - Kaushik, R/o Village - Pakariya (Jhulan), Police Station Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.
8. Dilip Kumar Kaushik S/o Shri Dile Ram Kaushik Aged About 35 Years Caste - Kaushik, R/o Village - Pakariya (Jhulan), Police Station Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.
9. Rajendra Kumar Kaushik S/o Late Manharan Kaushik Aged About 45

Years Caste - Kaushik, R/o Village - Pakariya (Jhulan), Police Station
Mulmula, Civil And Revenue District Janjgir Champa Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The District Magistrate Janjgir, Civil And Revenue District-Janjgir Champa Chhattisgarh.

---- Respondent

For Applicants : Mr. Parasmani Shriwas, Advocate.

For Respondent : Mr. Rahim Ubwani, Panel Lawyer.

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

30/04/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.47/2019 registered at Police Station-Mulmula, District – Janjgir-Champa(C.G.), for the offence punishable under Sections 147, 294, 506, 323, 452 of Indian Penal Code(during the investigation offence u/s 325 of IPC has been added).
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants. The fact is this that on the date of incident the applicant party and the complainant party both have engaged in a free fight. The applicants have objected to playing of DJ sound by the complainant that was the reason of this fight between them. The applicants have also suffered injuries and they have also lodged one FIR which has been registered as Crime No.49/2019 against the

complainant party for offence under Sections 147, 294, 506, 323 and 452 of IPC. All the allegations made in the FIR are false, hence, it is prayed that these applicants be granted anticipatory bail.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that the FIR was first lodged by the complainant against these applicants and then these applicants have lodged FIR against the complainant for creating their defence. According to the allegations present against these applicants they are not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to the FIR lodged, it is alleged that on the date of incident the applicants formed an unlawful assembly and in furtherance of common object, committed the house trespass in the house of the complainant Kanhaiya Soni and then abused, threatened, assaulted and injured the victims of this case.
6. The offence under Section 325 of IPC has been added in this case and report made by the examining doctor that injured victim Kanhaiya was found unable to hear at the time of examination. Apart from the offence under Section 452 of IPC, rest of all the offences are bailable which are main offences, therefore, after due consideration, I feel inclined to grant anticipatory bail to all these applicants.
7. 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 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/these 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