

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 720 of 2019

1. Shiv Kumar Kabre, S/o Shri Ramdas Kabre, Aged About 26 Years, R/o Gudhiyari ,Police Station Gudhiyari, District-Raipur, Chhattisgarh.
2. Dev Sahu, S/o Shri Jawaharlal Sahu, Aged About 25 Years, R/o Murrabhatti Raipur, District-Raipur, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Police-Station-Gudhiyari, District-Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Pragalbh Sharma, Advocate.
For Respondent : Mr. Lav Sharma, Panel Lawyer.

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

01/08/2019

1. The applicant have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.119/2019 registered at Police Station-Gudhiyari, District-Raipur, Chhattisgarh for the offence punishable under Section 452, 323 r/w 34 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicants are innocent and have been falsely implicated in this case. The main offence in this case is causing of simple hurt to the complainant which is bailable, therefore, only offence under Section 452 of IPC is non-bailable. The applicants have not committed any offence, it is prayed that this applicants may be granted anticipatory bail.

3. Learned State counsel opposes bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, the complainant has borrowed some money from one Roshan Gupta and was not repaying the same, therefore, the Roshan Gupta had threatened the complainant that in case he does not repay the money he will get him assaulted. On the date of incident, the applicants forced their entry into the house of the complainant in the night at about 11.45 pm and then by beating the complainant caused him simple injuries.
6. Considering the nature of the allegation against the applicant and that the main offence in this case is bailable in nature, for this reason, I feel inclined to allow the application of these applicants.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with 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/- each 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 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/their 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

Nisha