

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 712 of 2019**

1. Mohd. Irfan S/o Shri Tar Mohammed Aged About 17 Years Minor Through Natural Guardian Father Tar Mohammed S/o Abdul Gaffar, Aged About 49 Years, By Caste, Musalman R/o Village - Jawali, Thana - Bankimongra, Tahsil - Katghjora, Civil And Revenue District Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Mohd. Rizwan S/o Shri Tar Mohammed Aged About 15 Years Minor Through Natural Gurardian Father Tar Mohammed S/o Abdul Gaffar, Aged About 49 Years, By Caste - Musalman R/o Village - Jawali, Thana - Bankimongara, Tahsil - Katghora, Civil And Revenue District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station - Bankimongara, District Korba Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicants : Shri Samir Singh, Advocate.
 For the Respondent/State : Shri Samdarsh Nirankari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.05.2019**

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. 21 of 2019, registered at Police Station – Bankimongara, District Korba, Chhattisgarh for the offence punishable under Sections 452, 294, 323, 147 and 506/ 34 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 on the basis of the material placed before the Court by the prosecution. Both the applicants are minor therefore, they will be tried as juvenile. Apart from the offence under Section 452 of the IPC, rest of the offences which are registered against the applicant 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, on account of a previous quarrel regarding some dispute, Tar Mohammed alongwith these applicants and others committed house trespass in the house of the complainant and thereafter, abused, threatened and thrashed the complainant causing simple injuries to him.

7. According to the statement in the FIR, these applicants had accompanied their father and for the reason that both these applicants are juvenile offenders, therefore, I feel inclined to grant anticipatory bail to the applicants.

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