

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 855 of 2019

1. Dharmendra Dewangan, S/o Bablu Lal Aged About 40 Years R/o Village Tikari, Police-Station Arjunda, District-Balod, Chhattisgarh.
2. Yogesh @ Yogeshwar Sahu, S/o Late Meghnath, Aged About 40 Years R/o Village Tikari, Police Station Arjunda, District-Balod, Chhattisgarh.
3. Vikash Gupta S/o Bholu Gupta, Aged About 38 Years, R/o Village & Police Station Arjunda, District-Balod, Chhattisgarh.
4. Anil Gupta S/o Juraman Gupta Aged About 35 Years R/o Village & Police Station Arjunda, District-Balod, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The District Magistrate, Balod, District-Balod Chhattisgarh.

---- Respondent

For Applicants : Mr. Jitendra Gupta, Advocate.

For Respondent : Mr. Rahim Ubwani, Panel Lawyer.

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

21/06/2019

1. Learned counsel for the applicant No.1 & 2 seeks permission of this Court to withdraw their application filed under Section 438 of Cr.P.C.
2. Accordingly, the bail application filed under Section 438 of Cr.P.C is dismissed as withdrawn.
3. The concerned Court is directed to decide the application for regular bail of the applicant No.1 & 2 preferably and practicably on the same

day on which the applicants surrender before it.

4. The applicant No. 3 & 4 have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.140/2018 in Police Station-Arjunda, District-Balod(C.G.), for the offence punishable under Sections 367, 377, 294, 323/34 of the Indian Penal Code.
5. Learned counsel for applicant No. 3 & 4 submits that applicants are innocent and have been falsely implicated in this case. No case is made out according to the complaint itself. Both these applicants were engaged in a simple quarrel with these applicants and these applicants have been falsely implicated only for the reason that they had been a witness in a case against the complainant on the basis of one FIR lodged by Gopi Nirmalkar, therefore, false FIR has been lodged, hence, it is prayed that they may be granted anticipatory bail.
6. Learned State Counsel opposes the bail application and the submissions made in this respect.
7. Heard both the parties and perused the case diary.
8. According to the FIR lodged, on the date of incident these applicants along with others picked up a quarrel with the complainant and then abused and assaulted him causing injuries to him. After the occurrence of this incident, the other accused persons dragged the complainant behind a receptacle and then attempted to have unnatural intercourse with him.
9. As it clearly appears, that these applicants were participant in the incident only during the incident of abuse and assault, therefore, I am of this opinion that this is a fit case where applicant No. 3 & 4 should be granted anticipatory bail.

10. Accordingly, the anticipatory bail application of applicant No.3 & 4 is allowed and it is directed that in the event of arrest of 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