

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRCA No. 867 of 2019**

- Rakesh Karamchandani S/o Shri Chandra Lal Karamchandani, Aged About 32 Years, R/o Shaktidham, T-34/3, Main Road, Bairagarh, Police Station Bairagarh, Tehsil And District Bhopal Madhyapradesh. Woriking Place Linden Shippin International, Sharjah Hamariya Free Zone, Plot No. HC-07, P.O. Box No.49252 Sharjah – UAE, Contact No. 97165260003, Fax No. 97165261930, Residence - Flat No. 406, Street, Bur-Dubai, Dubai.

**---- Applicant**

**Versus**

- Rajendra Sarthi S/o Late Shri J.R. Sarthi, Aged About 51 Years, R/o Majhwapara, Jarhabhata, Ward No.-12, Bilaspur, Police Station Civil Lines, Bilaspur, Tahsil & District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Achyut Tiwari, Advocate.

For Non-applicant – None.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**01-08-2019**

1. Apprehending arrest in connection with Complaint Case No.86/2018 pending before JMFC Bilaspur, Chhattisgarh for offence punishable under Section 294, 452, 506 (Part-II), 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. A false complaint has been brought by the complainant at the behest of the wife of the applicant who happens to be tenant of the complainant for the reason that a marriage dispute is going on between this applicant with his wife. Similarly placed co-accused Kamlesh Karamchandani has been granted anticipatory bail by this Court. Hence, it is prayed that this application may also be allowed.
3. Notice upon the respondent returned after service, but, the respondent is not present and neither represented by any counsel.
4. According to the complaint filed, it is alleged that on the date of incident this applicant along with the co-accused committed house trespass in the

house of the complainant where wife of this applicant is a tenant and thereafter some dispute arose in which this applicant and co-accused abused, threatened, assaulted and caused simple hurt to the complainant. Hence, this case.

5. Considered on the facts of the complaint case. There is no evidence regarding any preparation having been made before committing alleged house trespass. Because the only offence under Section 452 of the IPC is non-bailable and rest of the offences are bailable, therefore, looking to these facts and circumstances, I feel inclined to allow this application.

6. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him 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. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant 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 him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

7. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**