

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1252 of 2019**

1. Narayan Agrawal, S/o. Rameshwar Agrawal, Aged About 53 Years
 2. Sudha Agrawal, W/o. Narayan Agrawal, Aged About 47 Years,
 3. Shivam Agrawal, S/o. Narayan Agrawal, Aged About 25 Years,
- All are R/o. Ward No. 20, Manendragarh, Tahsil- Manendragarh, District- Koriya, Chhattisgarh.

----Applicants**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station- Manendragarh, District- Koriya, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Shakti Raj Sinha, Advocate
For Respondent	: Mr. Chandra Bhushan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/09/2019**

1. Apprehending arrest in connection with Crime No.155/2019, registered at Police Station – Manendragarh, District – Koriya (C.G.) for offence punishable under Section 452, 323, 294, 506(B) & 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. Further there is no evidence to show that the offence under Section 452 of I.P.C. is made out as there is nothing to show that the applicants made any preparation before abusing and assaulting the complainant and others and rest of the offences are bailable. Therefore, it is prayed that the applicants may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the offence of house trespass with preparation is made out, therefore, no case is made out for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, the applicants and the complainant party both had some dispute regarding land on account of which on the date and time of incident, the applicants entered into the house of the complainant and then they abused and threatened the complainant and also assaulted and injured him. Hence, this case.
6. Considered the submissions made and the contents of the case diary. Medical injury does not show any injury on the victim of this case. Further the allegation is this that the victim was assaulted with hands and fists, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 each 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 him/her 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram