

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1213 of 2019

- Hemant Dhruw S/o Shri Manharan Lal Dhruw, Aged About 33 Years, R/o Village- Kutela, Post- Chikhali, Police Station and Tahsil- Arang, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Arang, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRCA No. 1261 of 2019

1. Onkar Dhruw S/o Shri Manharan Lal Dhruw, Aged About 26 Years, R/o Village Kutela, Post Chikhali, Police Station and Tahsil Arang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Arang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Mayank Chandrakar, Advocate.

For Non-applicant/State – Shri Kapil Maini, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05-09-2019

1. As both these applications arise out of the same crime number, i.e., Crime No. 350/2019, registered at Police Station – Arang, District- Raipur, Chhattisgarh for offence punishable under Section 294, 323, 506, 452 read with Section 34 of the IPC, they are being decided by this common order.

2. The applicants have preferred these applications under Section 438 of the Cr.P.C. for grant of anticipatory bail as they are apprehending arrest in connection with aforesaid crime number and offence.

3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case because of the political dispute. It is false allegation that the victims of this case were assaulted inside the house for registration of non-bailable offence under Section 452 of the IPC. Therefore, it

is prayed that these applicants may be granted anticipatory bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that there are eye-witness present in this case who have made statement against the applicants regarding commission of offence, therefore, they are not entitled for grant of anticipatory bail.

5. Heard learned counsel for the parties and perused the case diary.

6. The FIR has been lodged stating that on the date of incident on a dispute regarding parking of vehicle these applicants entered into the house of the complainant and then abused him, threatened him and also assaulted him causing simple injuries.

7. Considering that the other offences which are the main offences of abusing, assaulting and injuring are bailable in nature and only the offence of house trespass is non-bailable, therefore, I feel inclined to allow both these applications.

8. Accordingly, both the anticipatory bail applications are allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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.

These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil