

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1368 of 2019

1. Smt. Santoshi Gupta W/o Shri Raju @ Rajkumar Gupta Aged About 36 Years R/o Lalkhadan Murrahata Torwa, Police Station - Torwa, District (Revenue And Civil) Bilaspur Chhattisgarh.
2. Deepak Gupta S/o Raju @ Ralkumar Gupta Aged About 20 Years R/o Lalkhadan Murrahata Torwa, Police Station - Torwa, District (Revenue And Civil) Bilaspur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station - Torwa District (Revenue And Civil) Bilaspur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Anand Kesharwani, Advocate.
For Respondent/State	: Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/11/2019

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 241/2019, registered at Police Station Torwa, Distt. (Revenue & Civil)-Bilaspur, Chhattisgarh for the offence punishable under Sections 294, 323, 506-B, 307 & 34 of the IPC.
2. As per prosecution story, on 25.07.2019, co-accused Rajkumar @ Raju with the help of his wife and son i.e. the present applicants, tried to demolish the old house of one Lakhan Gupta and when

Lakhan Gupta tried to stop them, they have threatened him to kill and thereafter Rajkumar Gupta has assaulted him with a knife on his back. At the same time, the complainant and his wife tried to intervene, allegedly, applicant no. 1 Santoshi Gupta and applicant no. 2 Deepak Gupta committed *Marpeet* with them. On the basis of report lodged by Suraj Gupta, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some dispute with the complainant. He further submits that injuries sustained by the complainant and his wife was simple in nature. Lakhan Gupta was assaulted by co-accused Rajkumar Gupta, therefore, no offence under Section 307/34 of the IPC can be made out against the present applicants. He lastly submits that the applicants are the reputed person of their society, they are the permanent resident of above mentioned address and there is no chance of their absconding, therefore, they may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that Lakhan Gupta was assaulted by co-accused Rajkumar Gupta, there is no role have been played by the applicants for assaulting Lakhan Gupta. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released

on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge