

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

W.P.(Cr.) No. 746 of 2019

1. Rupesh Kumar Sao S/o Jivan Lal Sao Aged About 33 Years
2. Jivan Lal Sao S/o Late Pitamber, Aged About 60 Years
3. Sarswati Sao W/o Jivan Lal Sao Aged About 52 Years

(Petitioner No.1 to 3 are r/o Krishna Nagar, Behind B.T.I., Janjgir, Police Station And Tahsil Janjgir District Janjgir Champa Chhattisgarh)

4. Dilip Kumar Sao S/o Jivan Lal Sao Aged About 36 Years
5. Purnima Sao W/o Dilip Kumar Sao Aged About 35 Years

(Petitioner No.4 and 5 are r/o Village Janjgir, Present Address Sinchai Colony, Akaltara, Police Station And Tahsil Akaltara, District Janjgir-Champa Chhattisgarh)

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary Home Department, Mahanadi Bhawan, New Raipur Chhattisgarh
2. State Of Chhattisgarh Through The District Magistrate Kabirdham District Kabirdham Chhattisgarh(Prosecution)

---- Respondents

<u>27/08/2019</u>	Mr. Rakesh Pandey, counsel for the petitioner. Mr. Neeraj Pradhan, P.L. for the State/respondents. Heard. Learned counsel for the petitioner submits that the petitioners have been alleged as an accused in Crime No.302/2019 registered in Police Station- Kabirdham for the offence punishable under Section 498A read with Section 34 of I.P.C. The petitioners have moved an application under Section 438 of Cr.P.C. before the Court of Additional

Sessions Judge (F.T.C.), District- Kabirdham. The said Court was pleased to allow the application on 05.08.2019. However, the condition imposed for furnishing of bail is too harsh because of which the petitioners are unable to furnish bail bonds for their release. Therefore, it is prayed that the condition so imposed may be diluted.

Learned counsel for the State has no objection.

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

In the order impugned, the learned Sessions Judge has ordered that, in case, the petitioners are arrested, they may be released on bail by furnishing a bond of such surety, who are residing within the jurisdiction of that Court.

The petitioners are themselves residents of this State and are residents of District- Janjgir-Champa within the State of Chhattisgarh. Therefore, the condition so imposed appears to be harsh for the reason that these petitioners are unable to find surety in District- Kabirdham, therefore, it amounts to denial of the relief that is granted by this Court. Hence, for these reasons, I feel inclined to allow this petition at the motion stage.

The condition imposed by the Sessions Court in order dated 05.08.2019 granting anticipatory bail to the petitioners is diluted and it is ordered that, in case, the petitioners are arrested, then it is ordered that on furnishing of surety and bond as ordered by the trial Court, without any restriction of the jurisdiction of the said Court, the petitioners shall be released on bail as ordered.

Accordingly, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge