

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1639 of 2018

1. Om Prakash S/o Shri Paras Yadav Aged About 40 Years R/o Village Dadkesara Thana -Kamleshwarpur Tahsil Lakhanpur ,district Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Dhaneshwar S/o Shri Paras Yadav Aged About 32 Years R/o Village Dadkesara Thana -Kamleshwarpur Tahsil Lakhanpur ,district Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Aeshnath S/o Shri Paras Yadav Aged About 35 Years R/o Village Dadkesara Thana -Kamleshwarpur Tahsil Lakhanpur ,district Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Jaiprakash S/o Shri Paras Yadav Aged About 27 Years R/o Village Dadkesara Thana -Kamleshwarpur Tahsil Lakhanpur ,district Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Kamleshwarpur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicants : M. Anurag Dayal Shrivastava, Advocate.
For Respondent/State : Mr. Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

25/01/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.24/2018 registered at Police Station-Kamleshwarpur, District –

Surguja(C.G.), for the offence punishable under Sections 294, 506B, 323, 34 & 307 of the Indian Penal Code.

2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. Earlier the FIR that was lodged was only under Sections 294, 506B, 323, 34 of IPC and all were bailable offences, but in the later on development without any basis offence under Section 307 of IPC has been added. The complainant/injured in this case has suffered only simple injuries and there had been no intention to cause death of any person of the complainant party, hence, it is prayed that he may be released on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that according to the statement given by complainant Laxman Yadav and other injured persons, no case is made out for grant of anticipatory bail.
4. Heard the parties and perused the case diary.
5. It is alleged in the FIR lodged, that on the date of incident the applicants and the complainant and others had a dispute regarding the possession of government land and in that dispute, it is alleged that these applicants assaulted the complainant and others with clubs after abusing and threatening them and, thus, have caused injuries to them.
6. After perusing the case, it does not appear that any of the injured person have suffered any fatal injury. On the other hand, the applicants side has also lodged FIR against the complainant side. The offence under Section 307 has been added later on, regarding which the material is still not present in the investigation, therefore, under these circumstances, I feel inclined to grant anticipatory bail to the

applicants.

7. Accordingly, the anticipatory bail application is allowed and 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 their executing a personal bond in the sum of Rs.25,000/-each with one surety 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 himself 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge