

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1732 of 2018

1. Ashish Saraf S/o Late Shankar Lal Saraf Aged About 48 Years R/o Konda Gali, Infront Of Balak School Gandhi Chowk, Baloda Bazar, Police Station and Tahsil Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh.(Father Name is Wrongly Mentioned In Order).
2. Anish Saraf S/o Late Shankar Lal Saraf Aged About 45 Years R/o Konda Gali, Infront of Balak School Gandhi Chowk, Baloda Bazar, Police Station and Tahsil Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh.(Father Name is Wrongly Mentioned In Order),
3. Vikas Saraf S/o Mr. Basant Saraf Aged About 37 Years R/o Konda Gali, Infront Of Balak School Gandhi Chowk, Baloda Bazar, Police Station And Tahsil Baloda Bazar, District Baloda Bazar- Bhatapara, Chhattisgarh. (Father Name is Wrongly Mentioned In Order).

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station City Kotwali, Baloda Bazar, District-Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. T.K. Jha, Advocate.
For Respondent : Mr. Arun Shukla, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/01/2019

1. The applicants have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.381/2018 registered at Police Station-City Kotwali, Baloda Bazar, District – Baloda Bazar, Bhatapara(C.G.), for the offence punishable under Sections 294, 323, 506-B, 452/34 of the Indian Penal Code.
2. Learned counsel for applicants submits that applicants are innocent and have been falsely implicated in this case. There had been some dispute between the applicants with complainant and others who are members of the same family-tree. Now their dispute has been resolved and after lodging of FIR, the complainant Rajeev Saraf has given an application supported with affidavit to the police-station, that he does not want to prosecute the applicants in this case regarding which documents has been filed today with covering memo. Hence, under these circumstances, considering that the dispute is now resolved, the applicants be benefited with grant of anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. It is alleged that on the date of incident, these applicants committed house trespass in the premises in possession of the complainant and on account of dispute regarding property, these applicants firstly abused and then threatened and also assaulted the complainant and others causing simple injuries. Hence, this case.
6. After considering the material present in the case diary and also considering that it is a dispute between the members of the same family-tree regarding property, which now appears to have been resolved, for these reasons, I am of this opinion that applicants

deserves to be benefited with grant of anticipatory bail.

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 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha