

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 155 of 2020**

1. Dilip Gupta S/o Late Raghunath Gupta Aged About 45 Years
Resident off Ward No. 12, Ramanujganj, Police Station
Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh,
2. Ashwani Gupta S/o Anshidhar Gupta Aged About 22 Years
Resident Of Ward No. 12, Ramanujganj, Police Station
Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh,

---- Applicants**Versus**

- State of Chhattisgarh Through- The Station House Officer,
Police Station, Ramanujganj, District Balrampur-Ramanujganj
Chhattisgarh,

---- Respondent

For Applicants : Mr. Govind Ram Miri Advocate.
For Respondent/State : Mr. Matin Siddiqui, Dy, Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16-06-2020**

Heard.

1. The applicants have preferred this bail application under Section 438 of Code of Criminal Procedure, 1973 apprehending their arrest in connection with Crime No. 144 of 2019 registered at Police Station Ramanujganj, District Balrampur (C.G.) for alleged commission of offence under Sections 294, 506, 323, 324, 307, 147 and 149 of IPC.

2. Case of the prosecution is that the present applicants along with other co-accused assaulted informant Manita Sharma, her

brother Narendra Vishwakarma and also her father Rajnath Vishwakarma and in the incident of assault, Rajnath Vishwakarma sustained injury on his head.

3. Learned counsel for the applicants would submit that accused applicants Dilip Gupta and Ashwani Gupta have been falsely implicated in the case. First information report was lodged by Manita Sharma soon after the incident, but in the entire FIR, names of Dilip Gupta and Ashwani Gupta have not been mentioned anywhere and only their names have been added during investigation and charge-sheet has been filed. Therefore, it is argued, it is a case of false implication so as to implicate each and every member of the family of the present applicants.

4. On the other hand, learned counsel for the State opposes prayer and submits that even though in FIR names of Dilip Gupta and Ashwani Gupta have not been specifically mentioned, according to the informant there were other persons included in the incident apart from those specifically named them.

5. The report of the incident was lodged by one of the victims, namely, Manita Sharma who claimed to have witnessed the incident. Moreover, though, she named number of members of the family of the present applicants as assailants, names of the present applicants namely Dilip Gupta and Ashwani Gupta have not been mentioned in the FIR, much less any role attributed to them, therefore, there is considerable force in the submission of learned counsel for the applicant that so far as present applicants Dilp Gupta

and Ashwani Gupta are concerned, it is a case of false implication. In view of above circumstances, present is a fit case to grant anticipatory bail in favour of the applicants.

6. Accordingly, the 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 on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions.

- (i) that the applicants shall make themselves available for interrogation by a Police 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 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.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Raju