

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 520 of 2020**

1. Shubham Dubey S/o Mahendra Dubey Aged About 24 Years R/o Truckyard Colony, Lafarge Gopal Nagar Sonsari P.S. Mulmula, District Janjgir Champa Chhattisgarh.
2. Ayush Singh S/o Krishna Kumar Singh Aged About 19 Years R/o Khutighat, P.S. Mulmula, District Janjgir Champa, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through P.S. Mulmula District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicants : Shri Rahil Arun Kochar, Advocate.

For Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****19/06/2020**

1. The matter is heard through video conferencing.
2. The Applicants have preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 42/2020 registered at Police Station Mulmula, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 452, 294, 506, 323/34 of Indian Penal Code.
3. In this case there are total four accused persons. According to the case of the prosecution, on 10.03.2020 around 4:15 PM, on dispute to fill air in motorcycle, present applicants alongwith other co-accused persons entered the house of the complainant and assaulted him and his family members with hand and fists due to which they sustained

injuries. On the basis of the report made by the complainant, offence has been registered against applicants.

4. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some dispute. He further submits that apart from offence under Section 452 of I.P.C., all other offences are bailable. According to the statement of eye-witnesses, incident occurred in the verandah adjoining to road, therefore, offence under Section 452 of I.P.C. is not made out. Thus, it is prayed that applicants may be granted benefit of anticipatory bail.
5. Learned Counsel appearing for the State opposes the bail application.
6. I have heard learned Counsel appearing for the parties.
7. Taking into consideration the submissions put-forth on behalf of the parties and considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
8. Accordingly, the bail application is allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :
 - (i) 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/her from disclosing such fact to the Court,
 - (ii) They shall not act in any manner which will be

prejudicial to fair and expeditious trial, and

- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash