

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 568 of 2020

1. Ankush Kumar Singh, S/o Satish Kumar Singh, Aged About 21 Years R/o Village Loader Colony, Gopal Nagar Amora, District Janjgir - Champa, Chhattisgarh.
2. Shashwat Singh, S/o Raghunandan Singh, Aged About 21 Years R/o Village Loader Colony, Gopal Nagar Amora, District Janjgir - Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station Mulmula, District Janjgir - Champa, Chhattisgarh.

---- Respondent

For Applicants : Shri Sumit Singh, Advocate.

For Respondent/State : Smt. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

9/7/2020

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. 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 namely Shubham Dubey and Ayush Singh entered in 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 with the complainant. 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 the road, therefore, offence under Section 452 of I.P.C. is not made out. It is further submitted that co-accused persons have already been granted benefit of anticipatory bail vide order dated 19.6.2020 passed in MCRCA No. 520/2020. Thus, it is prayed that present applicants may also 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, considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that co-accused persons have already been granted benefit of anticipatory bail vide order dated 19.6.2020 passed in MCRCA No. 520/2020, 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