

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 549 of 2020**

1. Moh. Mahtab Khan @ Kallu S/o Late Islam Khan Aged About 26 Years Caste Momin, R/o Village Jashpur , Police Station Jashpur , District Jashpur Chhattisgarh.
2. Moh. Tanveer Khan S/o Late Islam Khan Aged About 28 Years Caste Momin, R/o Village Jashpur , Police Station Jashpur , District Jashpur Chhattisgarh.
3. Moh. Afjal Khureshi S/o Moh. Asgar Kureshi Aged About 19 Years R/o Village Jashpur , Police Station Jashpur , District Jashpur Chhattisgarh.
4. Moh. Leyakat Khureshi @Nankir S/o Late Mithalu Khureshi Aged About 50 Years Caste Kasai, R/o Village Jashpur, Police Station Jashpur , District Jashpur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Office In Charge, Police Station Jashpur District Jashpur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Sanjeev Kumar Sahu, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****29/06/2020**

1. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 81/2020 registered at Police Station Jashpur, District – Jashpur, (C.G.) for the offence punishable under Sections 452, 294, 506, 323/34 of I.P.C.

2. According to case of the prosecution, on 30.3.2020 complainant who is the real brother of present applicants lodged a complaint alleging that on 27.3.2020 present applicants entered in his house and used filthy language, threatened him and committed *marpit* with him and with his family members. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicants submits that applicants are innocent and have been falsely implicated in the present case. He further submits that due to some family dispute, a quarrel took place between brothers i.e. applicants and complainant. Virtually, complainant himself assaulted present applicants firstly on the date of incident itself and applicants have made report against complainant. Thereafter, to save himself, complainant lodged a false and fabricated report against applicants after three days of alleged incident. He further submits that apart from Section 452 of I.P.C., all other offences are bailable. Since, the house where applicants and complainant reside is common, therefore, offence under Section 452 of I.P.C. is also not made out. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. 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.

7. Accordingly, the bail application is allowed.

8. 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 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