

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 673 of 2020

1. Ravi Pandey, S/o Shri Anil Pandey, Aged About 33 Years Occupation - Business R/o - Laxmipur, Raigarh, District : Raigarh, Chhattisgarh
2. Nazeer Khan S/o Jakir Khan, Aged About 32 Years Occupation - Job R/o Chandmari, Raigarh, District - Raigarh Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, Through - Police Station - Kotwali, Raigarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/07/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 257/2020, registered at Police Station Kotwali, Raigarh, District Raigarh (C.G.) for the offence punishable under Sections 294, 506, 323/34, 452 of the IPC, respectively.
2. According to the case of prosecution, on 13.03.2020, complainant Bhavani Pratap Rathore lodged a FIR alleging therein that on 11.03.2020, at about 05.45 p.m. the present applicants came to his house started abusing and assaulted him and his brother Neelmani. They also threatened them for life. Thereafter, the offence under Section 294, 506, 323/34 of IPC has been registered against the present applicants. During the course of investigation, the statement of the witnesses were recorded under Section 161 of the Cr.P.C., thereafter, the offence under Section 452 has also been added.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and they have been falsely implicated in the present case. He further submits that due to some previous enmity between the complainant and the applicants, a false case has been registered against the applicants. He next submits that at the time of recording of FIR no allegations were made regarding alleged offence under Section 452 of the IPC. It is also submitted by counsel for the applicants that an after thought FIR has been lodged after two days of incident and at the time of recording of the statements, it was falsely stated by the witnesses that the incident has been occurred inside the house. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that initially the offence under Section 452 was not added at the time of FIR and it was added after recording of statement of the witnesses. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- to each with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge