

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 814 of 2020**

1. Dileshwar S/o Devkaran, aged about 35 years R/o Katkalo, P.S. Darima
 2. Bhapendra Nath Tripathi S/o Amresh Chandra Tripathi, aged about 46 years R/o Village Katkalo, P.S. Darima,
 3. Rajesh Rajwade S/o Prem Rajwade, aged about 26 years, R/o Village Turna P.S. Darima
 4. Hiradhan S/o Ramprasad, aged about 24 years R/o Village katkalo, P.S. Darima,
- All are from Ambikapur, Distt. Surguja (C.G.).

---- Applicants**Versus**

State of Chhattisgarh through Station House Officer, Police Station Darima, Ambikapur, Distt. Surguja (C.G.)

---- Respondent

For Applicants	:	Mr. Sanjay Pathak, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**31/08/2020**

1. The matter is heard through video conferencing.
2. The applicants have filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 47/2020 registered at police station – Darima, Distt. Surguja (C.G.) for the offence punishable under Sections 294, 506-B, 323, 308, 34 & and 307 of the IPC.
3. Counsel for the applicants seeks permission to withdraw this bail application with respect to applicant No. 1, Dileshwar and applicant

No.3, Rajesh Rajwade with liberty that in the event of surrender of the applicant Nos. 1 & 3 before the trial Court and filing of regular bail application on their behalf, the said Court may be directed to decide the bail application as early as possible.

4. Accordingly, the bail application is dismissed as withdrawn with respect to applicant No. 1 & 3. However, trial Court is directed that in the event of surrender of the applicant No. 1 Dileshwar and applicant No. 3 Rajesh Rajwade before the trial Court and filing of regular bail application on their behalf, the trial Court will decide the said bail application as early as possible.
5. Case of the prosecution is that on 03/05/2020 at about 11:30 am, Complainant Mohit had demanded some money from his father for cultivation of vegetables. At that time, the applicants were present there in intoxication condition, and they started to abuse him. They also assaulted the Complainant by bricks and wooden stick, due to which the Complainant sustained received grievous injuries on various parts of the body. The matter was reported by the Complainant Mohit.
6. Learned counsel appearing on behalf of the applicants submits that the applicant No. 2 & 4 are innocent and have been falsely implicated in the present case. Prima-faice no case under Section 307 and 308 of the IPC is made out against applicant No. 2 & 4. He further submits that in the FIR the name of the applicants are not mentioned. Though in the statement recorded under Section 161 of the Cr.P.C, the Complainant named against these applicants, as stated by him the main assailants are applicant No. 1 Dileshwar and applicant No. 3

Rajesh Rajwade, therefore, he prays to extend the benefit of anticipatory bail to applicant No. 2 Bhapendra Nath Tripathi and applicant No. 4 Hiradhan.

7. Learned counsel appearing on behalf of the State opposes the said application.
8. I have heard counsel for the parties.
9. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and the fact that in the FIR names of the applicants are not mentioned and the main assailants are applicant Nos. 1 & 3, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.
10. Accordingly, the anticipatory bail application is allowed with respect to applicant No. 2 Bhapendra Nath Tripathi and applicant No. 4 Hiradhan..
11. It is directed that in the event of arrest, applicant No. 2 Bhapendra Nath Tripathi and applicant No. 4 Hiradhan shall be released on bail on their furnishing a bond in the sum of Rs.10,000/- with one surety each 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, the applicant No. 2 & 4 shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - ii. Applicant No. 2 & 4 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. Applicant No. 2 & 4 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. Applicant No. 2 & 4 shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

12. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul