

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1640 of 2019

1. Vishvanath Ram Yadav S/o Basant Yadav Aged About 41 Years R/o Village Ahorpara Poksari, P. S. Batouli, District Surguja Chhattisgarh
2. Khulan Yadav S/o Basant Yadav Aged About 30 Years R/o Village Ahorpara Poksari, P. S. Batouli, District Surguja Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through Sho Police Station Batouli, District Surguja Chhattisgarh

---- Respondent

For Applicants	: Mr. AK Prasad, Advocate.
For Respondent/State	: Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

15/01/2020

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. 73/2019, registered at Police Station Batauli, Distt. Surguja (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 506 B, 323 & 307 of the IPC.
2. As per prosecution story, on 16.08.2019, when complainant Bhagirathi was called by the forest officers to resolve a dispute regarding forest land, allegedly, the applicant and other co-accused persons have assaulted him by means of axe, stick and club due to which the complainant sustained injuries on his head. On the basis of said background, offence has been registered.
3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that the complainant sustained only one injury which was simple in nature. *Prima Facie* no case under Section 307 of the IPC can be made out against the applicants. The Counsel further submits

that on the same facts and evidence, co-accused Moti Yadav has already granted benefit of anticipatory bail by this Court vide order dated 10.12.2019, passed in MCRCA No. 1560/2019. Hence, it is prayed that the applicants may also be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for 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 on the same facts and evidence, co-accused Moti Yadav has already granted benefit of anticipatory bail by this Court. Without further commenting on other 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. 20,000/- with one 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 the 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