

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRCA No. 91 of 2021

1. Rajkumar Chandrakar S/o - Hagru Chandrakar Aged About 41 Years R/o - Village Ward No. 19 Kunda Post -Khamhariya Police Station Kunda Tahsil Pandariya District Kabirdham Chhattisgarh
2. Tarachand Chandrakar S/o - Kunjram Chandrakar Aged About 18 Years R/o - Village Ward No. 19 Kunda Post -Khamhariya Police Station Kunda Tahsil Pandariya District Kabirdham Chhattisgarh
3. Kunjram Chandrakar S/o - Hagru Chandrakar Aged About 47 Years R/o - Village Ward No. 19 Kunda Post -Khamhariya Police Station Kunda Tahsil Pandariya District Kabirdham Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Kunda District Kabirdham Chhattisgarh

---- Respondent

For Applicants	Mr. FS Khare, Advocate
For Respondent /State	Mr. Ashutosh Mishra, Panel Lawyer

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****5/3/2021**

1. Heard.
2. This is an application filed under Sections 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.232/2020 registered at Police Station P.S. Kunda, District Kabirdham (CG) for the offence punishable under

Sections 147, 148, 149, 294, 323, 506 & 326 of the IPC.

3. At the outset, learned counsel for the applicants submits that since applicant No.3 Kunjram Chandrakar has already been arrested, his bail application has become infructuous.
4. Accordingly, the bail application filed on behalf of applicant **No.3 Kunjram Chandrakar** is **dismissed** as having become infructuous.
5. Now, the bail application is considered on behalf of applicant No.1 Rajkumar Chandrakar and applicant No.2 Tarachand Chandrakar.
6. On a dispute regarding ownership and possession of agricultural land, the present applicants along with two other co-accused, out of which one is juvenile, assaulted Binu Chandravanshi by means of club and *kudali*. The injured has suffered fracture(s) of metacarpal bone and legs, other head injury is not accompanied with any fracture.
7. Applicant No.1 Rajkumar Chandrakar has suffered head injury in the same incident and he is critically ill. He has been advised surgical intervention, which may not happen if he is sent behind the bars.
8. Considering the fact that applicant No.1 sustained serious head injury in the same incident, I am inclined to extend the benefit of Section 438 of Cr.P.C. to applicant No.1 Rajkumar Chandrakar and applicant No.2 Tarachand Chandrakar.

9. Accordingly, the application is **allowed** and it is directed that in the event of arrest of **applicant No.1 Rajkumar Chandrakar** and **applicant No.2 Tarachand Chandrakar**, they shall be released on anticipatory bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) they shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge