

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 130 of 2021**

1. Dwarika Gabel, S/o Baidan Aged About 40 Years, R/o Adil Tahsil Malkhrouda, District- Janjgir Champa (Chhattisgarh).
2. Rameshwar, S/o Baidan Aged About 42 Years R/o Adil, Tahsil Malkhrouda, District- Janjgir Champa (Chhattisgarh).
3. Leeladhar Alias Bholu Yadav, S/o Ganpat, Aged About 30 Years, R/o Adil, Tahsil Malkhrouda, District- Janjgir Champa (Chhattisgarh).
4. Gajadhar, S/o Ganpat, Aged About 35 Years, R/o Adil, Tahsil Malkhrouda, District- Janjgir Champa (Chhattisgarh).
5. Ramadhar, S/o Shobharam, Aged About 38 Years, R/o Adil, Tahsil Malkhrouda, District- Janjgir Champa (Chhattisgarh).

---- Applicants**Versus**

- State Of Chhattisgarh Through P.S. Malkhrouda, District- Janjgir-Champa (Chhattisgarh), District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. Kamal Kishore Patel, Advocate
 For Respondent/State : Mr. Vimlesh Bajpai, G.A.
 For Objector : Mr. Vivek Bhakta, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.06.2021**

1. Heard.
2. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No. 02/2021 registered at Police Station- Malkhrouda, District- Janjgir-Champa (C.G.) for commission of the offence punishable under Sections 452, 294, 323, 147, 324 of IPC.

3. Case of the prosecution is that, it has been alleged that present applicants entered the shop of the complainant and abused the complainant in filthy language and also assaulted him with stick and fists. Based on this, offence was registered against the present applicants.
4. Learned counsels for the applicants submit that the present applicants are innocent and have been falsely implicated in this case. He further submits that there is no criminal antecedent registered against the applicant No. 01- Dwarika Gabel, applicant No. 04- Gajadhar & applicant No. 05- Ramadhar, therefore, the present applicants may be granted anticipatory bail.
5. On the other hand, counsel for the State however opposes the application for anticipatory bail.
6. Learned counsel for the objector opposes the application for anticipatory bail to the applicants by submitting that the accused persons are habitual offenders and having criminal records. Therefore, no case is made out to release them on anticipatory bail.
7. After hearing counsel for the parties and considering the facts and circumstances of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs. 25,000/- each with one local surety for the like sum to the satisfaction of the concerned arresting/ investigating officer or the Court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicants shall make themselves available for interrogation before the concerned investigating officer as

and when required.

- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts or the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Rajani Dubey)
Judge**

Ruchi