

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 198 of 2021**

1. Sanjay Pandey S/o late Daya Shankar Pandey, aged about 40, by caste Brahman.
2. Raju Pandey S/o late Daya Shankar Pandey, aged about 36 years, by cast Brahman.

Both are R/o village Karmaha, Padsilipara, P.S. Dhourpur, Tahsil Ambikapur, District Surguja (C.G.) present address Ambikapur Tahsil Ambikapur, District Surguja (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station Dhourpur, District Surguja (C.G.)

---- Respondent

For Applicants	:	Mr. Sanjay Pathak, Advocate.
For Respondent.	:	Mr. B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/06/2021**

Proceeding through video conferencing.

1. 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.07/2020 registered at Police Station - Dhoupur, District Surguja (C.G.) for commission of the offence punishable under Sections 294, 506-B, 323, 341, 384, 34 of Indian Penal Code.
2. The prosecution story, in brief, is that on 04.03.2020, the complainant lodged a report at police station Dhourpur alleging therein that on 02.03.2020, the applicants stopped his Hyva truck bearing registration No.CG-15-A-6455, CG-15-

C-3844 and CG-12-C-2697 near village Padsilipara and demanded Rs.1,000/- per truck. The drivers of the Hyva informed about the incident to their owner namely Nityanand Singh. Thereafter, the applicants started abusing and assaulting the drivers with stick, brick and stone. The owner of Hyva, after receiving the information, reached the spot along with his friends, whom the applicants also assaulted with stick. Based on this, offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the actual case is that the complainant and his companion entered the house of applicant No.1, assaulted him and his friends resulting grievous injuries to applicant No.1 and he remained hospitalized from 02.03.2020 to 04.03.2020. He also submits that on 06.03.2020, the applicant No.1-Sanjay Pandey has lodged counter FIR against the complainant at police station Dhourpur. Learned counsel also submits that the applicants are ready to abide by all the terms and conditions which may be imposed upon them by the Hon'ble Court while granting anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the fact that counter FIR has been registered against the complainant, without commenting anything on merit of the

case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants.

6. 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 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/medical examination 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 of 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