

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 365 of 2021

1. Rahul Dhanodhiya S/o Jagdish Prasad Agrawal Aged About 35 Years,
 2. Vikas Dhanodhiya S/o Jagdish Prasad Agrawal Aged About 33 Years R/o Village Katghora Police Station And Tahsil Katghora District Korba Chhattisgarh
- Applicants**

Versus

State Of Chhattisgarh Through Police Station Katghoga District Korba Chhattisgarh

---- Respondent

For applicants – Shri Sunil Tripathi and Shri Apoorva Tripathi, Advocates.
For Respondent/State –Shri Siddharth Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/07/2021

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.44/2021 registered at Police Station Katghora, District Korba (C.G.) for offence punishable under Sections 294, 506, 323, 452 read with section 34 of IPC.
2. As per the prosecution case, on 5/02/2021 since there was some monetary dues were to be taken, the applicants who also runs a rice mill when they went to the complainant Prashant Agrawal they entered into altercation and that aggravated and quarrel took place whereby Prashant Agrawal sustained some injury on his neck by the nail, thereby offence has been committed.
3. Learned counsel for the applicants submits that the complainant owed certain money to the applicants they were called in the rice mill to settle the amount, when they went there altercation aggravated and the incident happened. Learned counsel submits that thereafter after few days the report was made by the complainant to avoid the payment, no custodial interrogation would be required, therefore the applicants may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that there has been some altercation took place, the complainant was abused, therefore the incident happened.

5. After consideration of the statement under Section 161 of Cr.P.C. it appears that out of some monetary transaction some altercation took place when the applicants went to the mill of the complainant. Taking into the background of the fact it appears that no custodial interrogation would be required and trivial nature of dispute aggravated. Taking into such facts and background of the case, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the 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 so 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) 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/-

(Goutam Bhaduri)

JUDGE