

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 443 of 2021

1. Chandra Prakash S/o Shri Jagdish Jatwar, Aged About 45 Years,
2. Surya Prakash S/o Shri Jagdish Jatwar, Aged About 35 Years,

Both are R/o Village Birgahani, Police Station Balauda, Civil And Revenue District Janjgir- Champa Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Balauda, Civil And Revenue District Janjgir- Champa Chhattisgarh,

---- Respondent

For applicants – Shri Paras Mani Shriwas, Advocate.
For Respondent/State –Shri Aditya Bharadwaj, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

09/08/2021

1. This application under Section 438 of Cr.P.C. have been filed by the applicants apprehending their arrest in connection with Crime No.55/2021 registered at Police Station Balauda, District Janjgir-Champa (C.G.) for offence punishable under Sections 458, 323, 506/34 of IPC.

2. As per the prosecution case, on 24/02/2021 on a trivial issue a dispute took place between complainant's younger brother Vivek and baraaties who had come in the village for wedding procession. Owing to the said dispute, applicants entered the house of complainant holding club in their hands and assaulted his family members. Based on this, offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that on the trivial issue the incident happened and the other co-accused Kamal Prasad and Vinay Kumar have been granted benefit of anticipatory bail on 29/06/2021 vide M.Cr.C.(A) No.470/2021 and case of the present applicants is also similar, therefore the applicants may also be granted benefit of anticipatory bail.

4. Learned State counsel do not dispute the fact that the other co-accused have been granted benefit of anticipatory bail by the coordinate bench.

5. Considering the fact that the other co-accused have been granted benefit of anticipatory bail by the coordinate bench and taking into nature of allegation, 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 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 him by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE