

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 470 of 2021**

1. Kamal Prasad, S/o Shri Bhagwani Satnami, aged about 48 year.
2. Vinay Kumar, S/o Shri Kamal Prasad Satnami, aged about 20 years.

Both are R/o village Birgahani, Police Station Balauda, Civil & Revenue District Janjgir-Champa (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station Balauda, Civil & Revenue District Janjgir-Champa (C.G.)

---- Respondent

For Applicants	:	Mr. Paras Mani Shrivastava, Advocate.
For Respondent.	:	Mr. B.P. Banjare, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****29/06/2021**

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.55/2021 registered at Police Station - Balauda, District Janjgir-Champa (C.G.) for commission of the offence punishable under Sections 458, 323, 506/34 of Indian Penal Code.
2. The prosecution story, in brief, is that on 24.02.2021, on 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, the

applicant 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 the applicants are innocent and have been falsely implicated in the crime in question. He further submits that the counter FIR (Crime No.54/2021) of the incident has also been registered against the complainant who were the aggressor party. He also submits that the applicants are ready to abide by all the directions 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, further considering the fact that counter FIR has also 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

pkd