

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 486 of 2021**

1. Vivek Sande S/o late Mohitram Sande, aged about 23 years.
2. Dilraj Sande, S/o late Mohitram Sande, aged about 30 years.
3. Dilesh Kurre, S/o Shri Sundrika Prasad, aged about 21 years.
4. Rakesh Ratre, S/o Shri Itwari Kumar Ratre, aged about 18 years.

All R/o village Birgahni, P.S. Balauda, District Janjgir-Champa (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh - Through : Police Station Balauda, District Janjgir-Champa (C.G.)

---- Respondent

For Applicants	:	Mr. Devesh G. Kela, Advocate.
For Respondent.	:	Mr. Roshan Dubey, P.L.

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.54/2021 registered at Police Station - Balauda, District Janjgir Champa (C.G.) for commission of the offence punishable under Sections 294, 506, 452 and 34 of Indian Penal Code.
2. The prosecution story, in brief, is that on 23.02.2021 when the marriage of complainant's daughter was being performed, the applicants came there and assaulted the family members of complainant and baarati as also used

filthy language. Thereafter, the marriage was completed in the presence of police. Further case is that on the next day i.e. on 24.02.2021 at about 7.00 pm, the applicants again came to the house of complainant and threatened to kill. Based on this, offence has been registered against the 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 applicants had gone to attend the marriage of complainant's daughter where dispute took place between the baraatis and the complainant, and the applicants were pacifying the dispute. He also submits that on the complaint of applicant No.1 and 2, the police had come to the house of complainant and to take revenge of the same, they entered the applicants' house armed with lathi and assaulted family members of the applicants, FIR of which has been lodged against them (Annexure A-2). Therefore, the applicants may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that it is the applicants who first went to the house of complainant and committed maarpeet.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, nature of injuries and further considering the fact that counter FIR has also been filed by the applicants, 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/- - 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