

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 751 of 2021**

1. Manoj Kumar Bhardwaj S/o Vijay Kumar Bhardwaj, aged about 18 years
2. Dhiraj Sagar S/o Suman Sagar, aged about 21 years

Both are R/o Village Kharod, Mahaveer Ward Tiwaripara, Tah Pamgarh, Distt. Janjgir-Champa Chhattisgarh

-----Applicants**VERSUS**

- State of Chhattisgarh through: Station House Officer, Police Station Gidhori, District Baloda Bazar, Chhattisgarh

-----Non-applicant

For Applicants	: Mr. Yashpal Singh, Adv.
For Non-applicant- State	: Ms. Anjali Singh Chouhan, P.L.

(proceedings through video conferencing)

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****13/08/2021**

1. Applicants have preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 53/2021 registered at Police Station Gidhori, District- Balodabazar (C.G.) for the offence punishable under Sections 294, 323, 34, 452, 506 of IPC.
2. As per the case of prosecution, Shravan Kumar lodged a report in the police station mentioning therein that when the complainant and one Pradeep were on the way to their house, they saw one of the persons who came to attend engagement ceremony in the neighbor's house was urinating in front of the house of complainant, upon which, the complainant has objected. On the objection he started abusing in filthy language, threatened him and started assaulting him by means

of belt. Pradeep and one Hazarilal Chandrakar came to intervene, upon which, two other persons who came to attend engagement ceremony started assaulting the complainant and the persons who were intervening. Looking to the sudden attack and assault, complainant and his two friends entered into the house to save themselves. The persons assaulting them followed the complainant and others entered into his house when the wife of complainant and wife of his brother tried to intervene, they were also assaulted by accused persons. Based on the complaint, instant crime is registered against the present applicants.

3. Mr. Yashpal Singh, learned counsel for the applicants would submit that the applicants have not been involved in any crime but they are apprehending their arrest in this crime. He further submits that in the F.I.R. names of present applicants is not mentioned, also they are students, hence they may be enlarged on anticipatory bail.
4. On the other hand, Ms. Anjali Singh Chouhan, learned State counsel opposes the submissions made by learned counsel for the applicants and submits that the offence committed as alleged in the F.I.R. are serious in nature. However, upon putting specific query, she submits that in the F.I.R. name of present applicants do not find place and the statement of eye witness is also not available in the case diary at present. She further submits that as per material available in the case diary, the applicants name is not appearing to be accused persons.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, the nature of allegation, the fact that name of applicants is not appearing in the F.I.R. nor any other document is available in the case diary showing their direct involvement, without

commenting anything on merits of the case, I am inclined to allow the bail application.

7. Accordingly, application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question (53/2021), they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs. 25,000/- each with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicants shall also abide by the following conditions:

- (i) that the applicants shall make themselves available for interrogation before the Investigation 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) 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/-
(Parth Prateem Sahu)
Judge