

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 711 of 2020**

- Rakesh Yadav S/o Rajesh Yadav Aged about 20 years R/o Village Tangarmahari Police Station Balrampur District Balrampur Ramanujganj Chhattisgarh.
- Ramesh Yadav S/o Rajesh Yadav Aged About 18 Years R/o Village Tangarmahari Police Station Balrampur District Balrampur Ramanujganj Chhattisgarh.
- Mukesh Yadav S/o Rajesh Yadav Aged About 24 Years R/o Village Tangarmahari Police Station Balrampur District Balrampur Ramanujganj Chhattisgarh.
- Deepak Yadav S/o Heeralal Yadav Aged About 20 Years R/o Village Tangarmahari Police Station Balrampur District Balrampur Ramanujganj Chhattisgarh.
- Rajesh Yadav S/o Rambali Yadav Aged About 54 Years R/o Village Tangarmahari Police Station Balrampur District Balrampur Ramanujganj Chhattisgarh.

---- Appellants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station: Ajjak, Balrampur District: Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Appellants	-	Shri A.N. Pandey, Advocate.
For Respondent	-	Shri V.R. Tiwari, Additional Advocate General.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board

07/01/2021

1. Heard.
2. The appellants have preferred these applications for grant of anticipatory bail, as they apprehend their arrest in connection with Crime No.30/2020, registered at Police Station AJJAK Balrampur, District: Balrampur, Ramanujganj (C.G.) for the offence punishable under Sections 294, 506, 147, 148, 450 of Indian Penal Code, 1860 & Under Section 3 (1-M & N) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Appellants committed house trespass and criminally intimidated as also abuse filthily after entering the house of complainant.
4. The incident happened on 29-06-2020, however, subsequently informant Vijay Sonwani moved an application along with affidavit before the concerned Superintendent of Police, stating that they do not want to prosecute the complaint any further. This document was sent for verification which has been conducted by the concerned Station House Officer and a report vide **Annexure D-1** has been submitted verifying that such application and affidavit was presented by the complainant.
5. On perusal of the material available in the case diary, it appears, while considering the prayer for grant of bail, the Court below has committed serious error of jurisdiction, inasmuch as, it should have objectively considered the said prayer by having a close look on the material against the

accused. While exercising judicial discretion for grant of bail, the trial Court is not expected to conduct an exercise in formality but the same should reflect from the material and further, cogent reasons must be assigned while rejecting the bail application.

6. Considering the facts and circumstances of the case, I am inclined to extend the benefit of anticipatory bail to appellants.
7. Accordingly, the appeal is allowed and the impugned order is set-aside.
8. The appellants are directed to be released on anticipatory bail on each of them furnishing a personal bond for a sum of Rs.50,000/- with one surety for the like amount to the satisfaction of the Arresting Officer with the following conditions:
 - (I) they shall make themselves available for interrogation by a police officer as and when required;
 - (II) they 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 from disclosing such facts to the Court or to any Police Officer.
 - (III) they shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

SD/-
(Prashant Kumar Mishra)
Judge