

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 1221 of 2021**

- Shashikant Yadav S/o Late Gangaram Yadav aged about 27 Years R/o Village Parsada (Bharni), P.S. Sakri, Tahsil- Takhatpur, District- Bilaspur Chhattisgarh.
- Suraj Singh @ Mona Thakur S/o Late Shri Darshan Singh Thakur aged about 30 Years R/o 27 Kholi, Vikas Nagar, Bilaspur, Tehsil and District Bilaspur Chhattisgarh.

-----Applicants**VERSUS**

- State of Chhattisgarh through: the Police Station Sakri, District Bilaspur, Chhattisgarh

-----Non-applicant

For Applicants	: Mr. Harshal Chauhan, Advocate
For Non-applicant- State	: Mr. B.L. Sahu, Panel Lawyer.
For complainant	: Mr. Anupam Sharma, Advocate

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****30/09/2021**

1. Applicant has preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 398/2021 registered at Police Station Sakri, District Bilaspur (C.G.) for the offence punishable under Sections 294, 323, 506, 452/ 34 of IPC.
2. Case of the prosecution in brief, is that, on 29.08.2021, oral report was lodged by Om Prakash Jangde stating therein that the applicants while abusing in filthy language have assaulted him by means of hand, fist and stick, they have also damaged motorcycle and after entering into the house of one Ravi Pahari have damaged household articles. Based on the report, aforementioned crime is register against applicants.

3. Mr. Harshal Chauhan, learned counsel for the applicants would submit that allegation of entering into the house of Ravi Pahari and causing damage to household articles is not correct. There was some dispute between them on the road. He submits that the complaint was not lodged by Ravi Pahari but only by Om Prakash Jangde. After registration of FIR settlement has been arrived between complainant and present applicants. Complainant executed affidavit before the Notary which was submitted before the Court below along with bail application. He submits that the applicants may be enlarged on anticipatory bail.
4. On the other hand, Mr. B.L. Sahu, learned State counsel opposes the submissions made by learned counsel for the applicants and submits that the allegation levelled against applicants is serious in nature. Applicants entered into the house and caused damage to articles kept therein.
5. Mr. Anupam Sharma, learned counsel appearing on behalf of complainant submits that after registration of FIR, complainant and applicants have arrived at settlement and complainant is having no objection in grant of bail to applicants. Complainant is also present before this Court.
6. I have heard learned counsel for the respective parties.
7. Taking into consideration, the nature of allegations, the fact that report was lodged by Om Prakash Jangde, the statement made by learned counsel for the parties that complainant and applicants have settled the dispute by entering into settlement, without commenting anything on merits of the case, I am inclined to allow the bail application.
8. Accordingly, application is allowed and it is directed that in the event of

arrest of applicants in connection with the crime in question (398/2021), 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