

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 691 of 2015

Shailendra @ Raja Gorakh S/o Girdhari Lal Gorakh Aged About 37 years R/o Dayalband, Police Station City Kotwali, Tehsil & District Bilaspur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station City Kotwali, Bilaspur Chhattisgarh

---- Respondent

Shri Praveen Das, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

MCRCA No. 590 of 2015

1. Girdharilal Gorakh S/o Late Babulal Gorakh Aged About 70 years R/o Dayalband, P.S. - City Kotwali Civil / Revenue Distt. - Bilaspur Chhattisgarh
2. Pappu @ Pankaj Gorakh S/o Girdharilal Gorakh Aged About 28 Years R/o Dayalband, P.S. - City Kotwali Civil / Revenue Distt. Bilaspur Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through P.S. City Kotwali Distt. Bilaspur Chhattisgarh

---- Respondent

Shri H.S.Ahluwalia, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

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MCRCA No. 593 of 2015

1. Rahul Gorakh S/o Late Narmada Prasad Gorakh Aged About 34 years R/o Dayalband, Police Station City Kotwali, Civil/Rev. Distt. Bilaspur Chhattisgarh.
2. Amit Gorakh S/o Banwarilal Gorakh Aged About 36 Years R/o Dayalband, Police Station City Kotwali, Civil/rev. Distt. Bilaspur Chhattisgarh.

---- Applicants

Versus

---- Respondent

Shri Pradeep Rajgir, counsel for the applicant/s.
Ms. Sunita Jain, Panel Lawyer for the State.

Order On Board

06/08/2015

The aforesaid bail applications are being disposed off by this common order as they arise out of the same crime number.

Heard.

1. The applicants in the aforesaid applications are apprehending their arrest in connection with Crime No.228/14 registered at police station – City Kotwali, Bilaspur, CG for alleged commission of offence under Section 294, 506, 323, 147, 148, 452 of IPC.
2. Prosecution case is that the applicants entered the house of the complainant and started destroying movable property, threatened, abused and assaulted in which, Rochak sustained injury in the frontal part of his head.
3. Learned counsel for the applicant submits that the applicants and the complainants are related to each other. They are cousins. There are serious disputes with regard to the ownership and title over the respective properties. According to the applicants, the other party has encroached upon their part of land and started raising construction which was objected to, which led to assaulting the applicants and other accused, in which three persons namely Rohit, Anand and Kanja sustained injuries. It is submitted that the applicants' team lodged report in the police station immediately at 14:20 PM on which crime under crime No.227/15 was registered against the other party including Rochak. As a counter-blast, the other party lodged report at 14:30. It is submitted that against the other party also, offence similar to that against the applicants was registered. It is submitted that in the background of the incident, claim of title and possession over the land, offence under Section 452 IPC is not made out.
4. On the other hand, learned State counsel submits that according to the report against the applicants in the present case, they entered the house of the applicants and destroyed property and then assaulted members of the family of the complainant in which the complainant received injuries. Therefore, offence under Section 452 IPC is

made out.

5. Taking into consideration the back ground of the incident, relationship of the parties, claim of title and possession and that at the instance of the applicants and other co-accused, report was lodged in the police station prior in point of time and that Rohit, Anand and Kanja also sustained injuries, I am inclined to grant bail to the applicants.

6. Accordingly, the applications are allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicants shall abide by all the following terms and conditions -

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that 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 them from disclosing such facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
Judge