

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case (A) No.27 of 2015

1. Satnam Singh, S/o late Santosh Singh, aged about 42 years,
2. Ranjeet Singh, S/o late Santosh Singh, aged about 52 years,
3. Shaili Khanuja @ Mandeep Singh, S/o Shri Ranjeet Singh Khanuja, aged about 23 years,
4. Harsh Chhabda @ Harsh Khanuja, S/o Shri Surendra Singh, aged about 25 years,

All are R/o Sirgitti, Police Station Sirgitti, Tahsil, Civil and Revenue District Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through the Police Station Sirgitti, Tahsil, Civil and Revenue District Bilaspur (C.G.)

---- Non-applicant

For Applicants:	Mr. Ashok Kumar Shukla, Advocate.
For Non-applicant:	Mr. Suvigya Awasthi, Panel Lawyer.
For Objector:	Mr. Harish Khuntiya, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

CAV Order

07/08/2015

1. Apprehending arrest in connection with Crime No.342/2014, registered at Police Station Sirgitti, Distt. Bilaspur, for the offence punishable under Sections 147, 148, 149, 294, 323, 325, 506, 427 and 452 read with Section 34 of the IPC, the applicants have filed this application under Section 438 of the CrPC for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that in the intervening night of 28-12-2014 and 29-12-2014, the present applicants entered into the house of Purnima Sahu and Sarita Sahu, and abused and assaulted them and caused grievous hurt.

3. Learned counsel for the applicants submits that the applicants have not committed any offence and they have been falsely implicated in the case, in fact, in the election held for the post of President, Nagar Panchayat, Sirgitti, wife of applicant No.1 namely Pooja Khanuja stood as a candidate for a party and during the election campaign, false allegation has been made against her. In fact, on behalf of Taranjit Singh, a complaint in Police Station Sirgitti for the offences under Sections 147, 148, 149, 294, 323, 506 and 427 of the IPC has been registered against Pawan Sahu, Pushpendra Sahu, Amrit Sahu, Chhotu Nayak, Pawan Nayak, Govind Yadav, Surendra Nayak, Sagar Sahu, Ramu Nayak, Phulesh Sahu, etc., and the report has been lodged on 31-12-2014 at 5 p.m. in which one of the persons / victims has suffered fracture in left fore arm, as such, false case has been got registered against the present applicants. Learned counsel further submits that on account of political enmity such a false complaint has been got registered which is apparent from the counter case registered against the complainant party. Learned counsel relying upon the matter of **Smt. Vimla Bai & others v. State of C.G.**¹ submits that since counter case has been registered against the complainant party in which they have been granted bail, no useful purpose will be served by sending the applicants to jail and they be granted anticipatory bail. He also submits that except offence under Section 452 of the IPC, all offences which the applicants were charged with, are bailable offences. He lastly submits that although the applicants have lodged report on 29-12-2014 but it has been got registered on 31-12-2014. He again submits that Taranjit Singh has suffered fracture in left forearm, and Ranjit Singh & Charanjit Singh have suffered simple injury. The complainant party have already

¹ 2006(3) C.G.L.J. 351

been released on bail, therefore, on the ground of parity, the applicants should also be granted anticipatory bail.

4. On the other hand, learned State counsel opposes the application and submits the applicants were armed with lathi, sword and katta and they trespassed into the house of the complainants with preparation to cause hurt.
5. Learned counsel for the objector supports the stand of the State counsel.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, nature of injuries, taking note of the counter case registered against the complainant party and their relatives, further taking note of the fact that out of all the offences which the applicants have been charged with only offence under Section 452 of the IPC is non-bailable and other offences are bailable, taking note of the injuries suffered by the injured complainant, taking note of the injuries suffered by Taranjit Singh – one of the relatives of the present applicants, nature of dispute that prevailed between the parties and statements of the prosecution witnesses, I consider it a fit case for grant of anticipatory bail to the applicants. Accordingly, the application is allowed.
8. It is, therefore, directed that in the event of arrest of the applicants in connection with the aforesaid offences, they shall be released on 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 investigating / arresting officer. The applicants shall also abide by the following conditions: -

1. They shall make themselves available for interrogation before the concerned arresting / investigating officer as and when required.
2. 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/her from disclosing such facts to the Court or to any police officer.
3. They shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
4. They shall also appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge