

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 143 of 2016**

1. Cheduram Devangan, Aged About 51 Years S/o Late Shree Ghasia Devangan R/o Village Beltukri, P.S. And Tahsil Rajim, District (Revenue) Gariyaband Chhattisgarh, District (Civil) Raipur Chhattisgarh.

2. Yugal Devangan Aged About 25 Years S/o Shree Cheduram Devangan R/o Village Beltukri, P.S. And Tahsil Rajim, District (Revenue) Gariyaband Chhattisgarh, District (Civil) Raipur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Rajim, District Gariyaband Chhattisgarh.

---- Respondent

For applicants – Shri Yogesh Pandey, Advocate.
For Respondent/State – Miss. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****22/02/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 25/2016 registered at Police Station Rajim, District-Gariyaband (C.G.) for offence punishable under Section 294, 506-B/34 of Indian Penal Code and Section 4, 5 of Chhattisgarh Tonahi Pratadna Nivaran Act, 2005.

2. As per the prosecution case a report was made by one Kamal Narayan against applicants that they belong to the same family and there has been some partition of the land and though land has not been partitioned in the revenue record and therefore it led to dispute and the applicant has abused the complainant and also abused as a tonha.

3. Learned counsel for the applicants submits that entire dispute is about property dispute as both the applicants and the complainant belong to the same family, they are son of Ghasiyaram and the dispute arose

because of the fact that there has been mutation of the name in the revenue record were being disputed by the parties inter-se and the entire dispute was civil in nature, therefore the applicants may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. I have perused the statement and the FIR. Taking into nature of allegations, prima facie it appears complainant was not identified as Tonha and general allegation have been made and dispute arose out of right over the properties of the land. Taking into relation of the parties and nature of allegations, I am inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions:-

- (i) that the applicants shall make themselves available for interrogation before the investigating 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) 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

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