

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 526 of 2016

1. Smt. Sunita D/o W/o Jogendra Singh Aged About 38 Years R/o Welfare Colony, Khongapani, P.S. Jhagarakhand, Tahsil Manendragarh, District Korla, Chhattisgarh.
2. Ashok Singh S/o G.C. Singh Aged About 52 Years R/o Welfare Colony, Khongapani, P.S. Jhagarakhand, Tahsil Manendragarh, District Korla, Chhattisgarh.
3. Bhupendra Singh S/o Ashok Singh Aged About 28 Years R/o Welfare Colony, Khongapani, P.S. Jhagarakhand, Tahsil Manendragarh, District Korla, Chhattisgarh.
4. Jogendra Singh S/o G. C. Singh Aged About 42 Years R/o Welfare Colony, Khongapani, P.S. Jhagarakhand, Tahsil Manendragarh, District Korla, Chhattisgarh). --- **Applicants**

Versus

State of Chhattisgarh Through : S. H. O., P.S. Jhagarakhand, Tahsil Manendragarh, District Korla, Chhattisgarh --- **Respondent**

For the applicants	: Mrs. Meena Shastri, Advocate
For the Respondent	: Mrs. Shobha Kashyap, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11.08.2016

1. This is first bail application filed under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail to the applicant in connection with Crime No. 86 of 2016 registered at P.S. Jhagarakhand, Tahsil Manendragarh, Distt. Koriya (C.G) for the offence punishable u/s 447, 457, 380 of IPC.
2. As per the prosecution case, a report was made by one Suchit Kumar Singh that on 18.04.2016 after closing his shop he went out and thereafter on 19.04.2016 when he came to open the shop, he could not open the shutter and it was found that inside a wall has been raised. Subsequently again on 21.04.2016 when he went to open the shop at that time

Applicant no.1 Sunita Singh, Applicant No.2 Ashok Singh, Applicant No.3 Bhupendra Singh and one Brijlal Kewat along-with others entered into the dispute. Thereafter the investigation started and it was apprehended that the applicants have entered into the shop from behind and closed the same.

3. Learned counsel for the applicants would submit that the shop in fact was given by Pramila Singh to the complainant Suchit Kumar Singh on hire and the applicants are in no way concerned with the shop and a suit was also filed by Pramila Singh against Suchit Singh. She further submits that applicants 2 & 4 who are employees of SECL have been falsely implicated in this case.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the statement of complainant Suchit Kumar Singh and also the case diary wherein it was revealed that a suit for ejectment was filed by one Pramila Singh against Suchit Kumar Singh in respect of the disputed shop . Admittedly it shows that the complainant was in possession who has been dispossessed. The matter is still under investigation.
6. Considering the case diary documents, at this stage, I am not inclined to allow this bail petition. Accordingly, it is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE