

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 279 of 2016

1. Kumbh Dahariya S/o Dayalu Dahariya Aged About 35 Years R/o Village Bartori, Police Station Tilda Nevra, Civil & Revenue District Raipur, Chhattisgarh.
2. Ishwar Kumar S/o Firturam Verma Aged About 54 Years R/o Village Bartori, Police Station Tilda Nevra, Civil & Revenue District Raipur, Chhattisgarh.
3. Bharatlal S/o Late Khorbahara Dhivar Aged About 58 Years R/o Village Bartori, Police Station Tilda Nevra, Civil & Revenue District Raipur, Chhattisgarh.
4. Bhimlal S/o Late Romnath Nirmalkar Aged About 36 Years R/o Village Bartori, Police Station Tilda Nevra, Civil & Revenue District Raipur, Chhattisgarh.
5. Shankarlal S/o Kheduram Nirmalkar Aged About 29 Years R/o Village Bartori, Police Station Tilda Nevra, Civil & Revenue District Raipur, Chhattisgarh.
6. Makardhwaj S/o Nathuram Yadav Aged About 50 Years R/o Village Bartori, Police Station Tilda Nevra, Civil & Revenue District Raipur, Chhattisgarh.
7. Faguram S/o Pachkod Dhivar Aged About 70 Years R/o Village Bartori, Police Station Tilda Nevra, Civil & Revenue District Raipur, Chhattisgarh. --- **Appellants**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Tilda Nevra, Civil & Revenue District Raipur, Chhattisgarh. --- **Respondents**

For the applicants	:	Mr. P.P. Sahu, Advocate.
For the Respondent	:	M. Anupam Dubey, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07.04.2016

1. Apprehending arrest in connection with Crime No. 52/2016 registered at Police Station Tilda-Nevra, District Raipur (C.G) for the offences punishable under section 147, 452, 294, 506 IPC, the applicants have filed this application u/s 438 of the Code of Criminal Procedure for

grant of anticipatory bail.

2. As per the prosecution case, a report was made by Omprakash Singh that the applicants entered into the house of the complainant and thereafter threatened them and also extended threat that they should remove encroachment and superstructure which has been made by the complainant.
3. Learned counsel for the applicants would submit that the complainant had encroached upon the grass land and constructed a shop and shed for which the village Panchayat was convened and thereafter the notices were served to the complainant and ultimately an application was made to the Tahsildar to remove the encroachment and as a counter blast to it, the complainant has made the report. It is further submitted that applicant No.1 Kumb Dahariya was Sarpanch and Ishwar Kumar is Panch of the Gram Panchayat and applicants 3 to 7 are villagers and the applicants were taking recourse to law to remove the encroachment, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statements as also the documents attached along-with the bail application. Prima facie, it shows that the dispute arose over the encroachment of a land and after demarcation made by the revenue official it was found that the complainant has encroached upon some part of the grass land.
6. Further perused the case diary of Crime No.51 of 2016 which was called for perusal. Taking into documents, it

shows that some dispute arose about the encroachment of land for which the report and counter report have been made. Considering the totality of such facts and circumstances, I am inclined to enlarge the applicants on anticipatory bail.

7. Accordingly, the 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 surety each in the like sum to the satisfaction of the officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating 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 him/her from disclosing such facts to the Court or 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 him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE