

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1325 of 2015

1. Mohan Yadav S/o Shobhran Yadav Aged About 70 Years R/o Village Pathrai, Police Station & Post Kamleshwarpur, Civil & Revenue District Surguja Chhattisgarh
2. Puneet Yadav S/o Mohan Yadav Aged About 35 Years R/o Village Pathrai, Police Station & Post Kamleshwarpur, Civil & Revenue District Surguja Chhattisgarh
3. Smt. Bijali Yadav W/o Puneet Yadav Aged About 30 Years R/o Village Pathrai, Police Station & Post Kamleshwarpur, Civil & Revenue District Surguja Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : Police Station Azak, Ambikapur,
District Surguja Chhattisgarh

---- Respondent

For applicants – Shri Manoj Paranjpe, Advocate.

For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/01/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No.03 of 2015, registered at Police Station Ajak, Ambikapur, District Surguja (C.G.) for offence punishable under Sections 294, 506B, read with 34 of Indian Penal Code and Section 3 (1) (x) of Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.
2. As per the prosecution case report was made by Rita Ekka and Linus Ekka that the applicants along with one more co-accused tried to encroach upon land bearing khasra No.16/19 admeasuring 0.242 hectare situated at village Pathrai, Tahsil Mainpat and the complainant were restrained to sow the land.
3. Learned counsel for the applicants submits that applicants have been granted forest lease of the land by the Collector in the year 2007-

2008 and he relied on the document revenue record Annexure A-2 filed along with the petition. He would submit that applicants are in lawful possession of the land and applicants were subjected to forceful dispossession and false report has been made. Therefore, learned counsel submits that the applicants may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail and would submit that actually complainant were granted lease of the land bearing khasra No.16/19 and the document filed by the applicants pertains to land bearing khasra No.16/25, therefore two lands are different and according to the report complainant were forcefully tried to be dispossessed, therefore case under Section 3 (1) (x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is also made out.

5. I have perused the documents. Prima facie it reveals that complainant were granted lease of land bearing khasra No.16/19 and not of khasra No.16/25. Lease of the land bearing khasra No.16/25 appears to have been granted in favour of the applicants and therefore reading statement and the report would show that ingredients of offence under Section 3 (1) (x) of Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act are made out along with other allegations. Therefore, I am not inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

