

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1164 of 2016

1. Baldev Singh Malwa S/o Pritam Singh Malwa Aged About 78 Years R/o Malwa Market, Opposite - Polytechnic College, G. E. Road, Durg, District - Durg - Chhattisgarh
2. Satwant Singh Malwa S/o Baldev Singh Malwa Aged About 45 Years R/o Malwa Market, Opposite - Polytechnic College, G. E. Road, Durg, District - Durg - Chhattisgarh --- **Applicants**

Versus

- State of Chhattisgarh Through Police Station - Mohan Nagar, Durg, District Durg Chhattisgarh --- **Respondent**

For the applicants : Mr. P.R. Patankar, Advocate.
For the State : Mr. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.01.2017

1. Apprehending arrest in connection with Crime No. 462/2016 registered at Police Station Mohan Nagar, Durg, Distt. Durg (C.G) for the offences punishable under sections 452, 294, 506 & 323/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, on 13.09.2016 a report was made by one Roshni Ahuja against the present applicant and others stating that that the house wherein the applicant was staying some dispute was going between Manjit Kaur and Present applicants about the ownership and the proceedings were pending. It alleged that on that date, the applicants entered into the said house and asked the complainant to vacate the same and

thereafter abused and assaulted the complainant and other family members.

3. Learned counsel for the applicants would submit that applicant no.1 who is aged about 78 years has earlier filed complaint against Manjit Kaur, Harjinder Singh, Janvinder Singh, Gurjit Singh and others wherein despite the tenants, they have parted with some part of possession of the property which belonged to the applicants for which a report was made on 29.04.2015 wherein it was stated that the part of property was sold to one Chander Kukreja. Consequently a case was registered as per Annexure A-4. It is further submitted that thereafter on 24.10.2015 again the rest of the part was sold to Kishan Lal Ahuja for Rs.53 lakhs and as such subsequently Kishan Lal Ahuja was arrayed as an accused in the said criminal case. Since the said criminal case has matured for evidence, as such in order to corner the applicants, false report has been made by complainant Roshni Ahuja wife of Kishan Lal Ahuja as Kishanlal Ahuja is accused. He further submits that entirely false allegations have been attributed to the applicants, therefore, they may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary documents. The report was made by Roshni Ahuja, wife of Kishan Lal Ahuja (the husband) who appears to be an accused. Also perused the medical report and the copy of FIR and copy of the first page of charge sheet wherein it shows that Kishan Lal

Ahuja was also made an accused.

6. Considering the nature of allegations levelled against the applicants and further taking into totality of the facts and circumstances of the case, I am inclined to allow this bail application.
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 them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE