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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2613 of 2018**

Praveenkant Timothy W/o Late K.P. Timothy Aged About 49 Years R/o- Village- Semra In Front Of Siyaram Gas Godown, Police Station-Gourela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station, Gourela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 425 Of 2018**

1. Vishwas Singh Rajput S/o Laxman Singh Rajput Aged About 38 Years R/o- Gourela, Ward No. 12, Pendraroad, Police Station- Gourela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Yogeshwar Nayak S/o Ramnath Nayak Aged About 33 Years R/o- Gourela, Ward No. 12, Pendraroad, Police Station- Gourela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Satyendra Pratap Singh S/o Late Amarnath Singh Aged About 40 Years R/o- Gourela, Ward No. 12, Pendraroad, Police Station- Gourela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Mohd. Sami S/o Mohd. Kali Mulla Aged About 42 Years R/o- Main Road, Gaurela, Pendraroad, Police Station- Gourela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Gourela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 426 Of 2018**

Sangeeta Trimurty W/o Praveen Kumar Trimurty Aged About 36 Years R/o- Main Road, Gaurela Pendraroad, Police Station- Gourela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Gourela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Goutam Khetrapal and Ms. Anusueya Rajput, Advocates.
For the Respondent/State	:	Shri Vinod Tekam, P.L.
For the Objector	:	Shri Yogendra Chaturvedi, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

20.04.2018

Heard.

1. All these applications are being decided by this common order as they arise from the similar incident. M.Cr.C. No. 2613 of 2018 filed under Section 439 of the Code of Criminal Procedure, 1973 is the first bail application filed by the applicant for grant of regular bail to her, who has been arrested in connection with Crime No. 68 of 2018, registered at Police Station – Gourela, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 448, 384, 500, 509 and 452 of the Indian Penal Code. M.Cr.C.(A) Nos. 425 of 2018 and 426 of 2018 are the first applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with the aforesaid offence.

2. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. The fact is that the applicants are the tenants of the property owned by Kamla Martin since the year 1998. Kamla Martin expired in the year 2014. Complainant – Sangeeta Martin claiming herself to be daughter-in-law of the Kamla Martin, got her name mutated in the Revenue records. On coming to know about the mutation, the applicants have filed an appeal before the Court of Sub-Divisional Officer, Pendra Road and in that appeal the proceedings of mutation have been stayed. Totally a

false allegation has been made by the complainant against the applicants that they have trespassed and made a demand of Rs.5,00,000/- each for vacating the premises under the tenancy. The title of Sangeeta Martin itself is under challenge in the appeal of the mutation proceedings. Hence, for these reasons, the applicants are entitled for grant of regular/ anticipatory bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that *prima facie* case is made out according to the complaint itself. Hence, for these reasons, none of the applicants deserves to be enlarged on regular/ anticipatory bail.

5. Learned counsel for the Objector submits that the objector is the complainant, who is a poor and widow lady, without any resources. All the applicants are well-off and influential who are trying to take over the property of the complainant. The allegations made in the FIR are true in every respect, hence, *prima facie* case is made out. Therefore, no case is made out for grant of either regular or anticipatory bail to the applicants.

6. Heard counsel for both the parties and perused the case diary.

7. According to the case against the applicants, FIR has been lodged by complainant – Sangeeta Martin alleging that residential house and five shops have been constructed on Khasra Nos. 501/4, 502/6 and 503/6 in total area 0.10 acres of which she is the owner. It is alleged that on 14.12.2017 at about 6:00 pm in the evening, the applicants armed with clubs forced their

entry into the house of the complainant and in a threatening gesture they demanded Rs.5,00,000/- each for vacating the shops and house. They also abused the complainant mentally and physically and also called her sorceress and threatened to kill her. It is stated in the FIR that despite repeated requests the applicants are not vacating the tenanted premises. Hence, the offence is registered and the case is under investigation.

8. On perusal of the case-diary, it appears to be undisputed that the applicants are tenants on the property which is claimed to be under the ownership of the complainant. The dispute between the applicants and the complainant has a glimpse of civil nature and it also appears that the main grievance of the complainant is that the applicants are not vacating the tenanted premises. Hence, all the applicants deserve to be released on regular and anticipatory bail.

9. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are allowed.

10. It is directed that applicant – Praveenkant Timothy in M.Cr.C. No. 2613 of 2018 shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for her appearance as and when directed.

11. It is directed that in the event of arrest of applicants – Vishwas Singh Rajput, Yogeshwar Nayak, Satyendra Pratap Singh, Mohd. Sami and Sangeeta Trimurthy in M.Cr.C.(A) Nos. 425 and 426 of 2018 in connection

with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They 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 them 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) that 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.'

Sd/-
(Rajendra Chandra Singh Samant)
Judge