

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 630 of 2018

Sunder Sahu S/o Shri Jogi Sahu, aged about 42 years R/o Village- Sawantpur, Thana & Tahsil- Pandariya, Distt.- Kabeerdham (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Pandariya, Distt.- Kabeerdham (C.G.).

---- Respondent

AND

MCRCA No. 692 of 2018

1. Gopal Sahu S/o Shri Santosh Sahu, aged about 29 years, Occupation- Agriculturist, R/o. Village- Sawantpur, Thana & Tahsil- Pandariya, Distt. - Kabeerdham (C.G.).
2. Chudamani Sahu S/o Shri Santosh Sahu, aged about 35 years, Occupation- Agriculturist, R/o Village- Khapri, Police Outpost- Chilfi, Thana & Tahsil- Lormi, Distt.- Mungeli (C.G.).

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Pandariya, Distt.- Kabeerdham (C.G.).

---- Respondent

For Applicants	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13/07/2018

1. Heard.
2. Since both the cases arise out of same crime number, therefore, they

are being disposed of by this common order.

3. The applicants have filed these two applications for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 56/2018 registered at police station – Pandariya, Distt. Kabeerdham (C.G.) for the offence punishable under Sections 452, 323, 294 and 506/34 of IPC.
4. As per prosecution story complainant- Chhabilal has lodged a report against the applicants with the averments that on 16/04/2018 at about 8:00 pm near Mahamaya Temple Sawantpur, some dispute has been arose between them and the applicant with co-accused has abused him by saying filthy language and they also beaten him by hands and fists, when he rushed to the house, they again caught hold him and threatened him to kill. On the basis of said report, aforesaid offence was registered by the police.
5. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent. They have been falsely implicated in the present case. He further submits that on the date of incident near Mahamaya Temple, complainant himself came in drunken condition and started abusing by filthy language to the applicants and other persons. Some hot talk was exchanged between them. He further submits that the applicants have also reported the matter and offence under Section 294, 323 and 506/34 of IPC has been registered against the complainant party. He further submits that the alleged incident has taken place on the road, near Mahamaya temple and no such incident was taken place in the house, therefore, Section 452 of the IPC is not made out. He further submits that other offences are bailable,

therefore, the applicants may be extended the benefit of anticipatory bail.

6. Learned counsel appearing on behalf of the State opposes the said application.
7. I have heard learned counsel for both the parties.
8. Prima-facie, there is sufficient evidence, which reveals that after the incident which was happened near Mahamaya temple, when the complainant was going to his house, the applicants reached to his house and again assaulted him there.
9. Considering the evidence available on record, I am not inclined to extend the benefit of anticipatory bail to the applicants.
10. Accordingly, the anticipatory bail applications are rejected.
11. It is directed that the Trial Court shall endeavour to hear and decide the bail application, if any is filed by the applicants, on the date of its filing itself.

Sd/-
Judge
Arvind Singh Chandel