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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 910 of 2018**

1. Asaduram Rathiya S/o Shri Bhundu Rathiya Aged About 42 Years R/o- Village- Bahirkela, Tahsil And Police Station- Gharghoda, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
2. Jethuram Rathiya S/o Shri Bhundu Rathiya Aged About 30 Years R/o- Village- Bahirkela, Tahsil And Police Station- Gharghoda, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
3. Marwadi Rathiya S/o Shri Nandlal Rathiya Aged About 33 Years R/o- Village- Bahirkela, Tahsil And Police Station- Gharghoda, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
4. Shagun Rathiya D/o Shri Nandlal Rathiya Aged About 40 Years R/o- Village- Bahirkela, Tahsil And Police Station- Gharghoda, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through- The Station House Officer, Police Station- Gharghoda, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

---- Respondent**And****M.Cr.C.(A) No. 915 of 2018**

1. Nandlal Rathiya S/o Shri Manbodh Rathiya Aged About 64 Years R/o Village Bahirkela, Tahsil And Police Station Gharghoda Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh
2. Yashwant Kumar Rathiya S/o Shri Deshiram Rathiya Aged About 50 Years R/o Village Bahirkela, Tahsil And Police Station Gharghoda Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicants**Vs**

State Of Chhattisgarh Through The Station House Officer, Police Station Gharghoda Distt. Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri A.N. Bhakta, Advocate.
For the Respondent	:	Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.08.2018**

Heard.

1. Both these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.173 of 2018 registered at Police Station – Gharghora, District Raigarh, Chhattisgarh for the offence punishable under Sections 147, 148, 149, 294, 506, 452 and 323 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated by the complainant in this case by lodging a false FIR against them as it is alleged that the date of incident was of 1.2.2018 whereas a written complaint was given by the complainant on 23.3.2018 to the police and on that basis, FIR has been lodged on 16.6.2018 which shows that FIR is false and lodged after due deliberations. Hence, it is prayed that the applicants in both the cases are entitled for grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.

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

5. In this case it is alleged that the applicants by force committed trespass of the *badi* of the complainant and destroyed the crops standing there. At that time, the applicants abused, threatened, assaulted and caused simple injuries to three injured persons.

6. Considered the material present in the case-diary. There is a delay of more than one month in giving the written complaint to the police and there is also a delay of three months in lodging FIR. Hence, for these reasons, I feel inclined to grant anticipatory bail to the applicants in both the cases.

7. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are allowed.

8. It is directed that in the event of arrest of the applicants in both the cases 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