

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1158 of 2017**

1. Smt. Usha Bai, W/o. Shri Ghanshyam Sahu, Aged About 45 Years
 2. Smt. Rukhma Bai, W/o. Dwarika Prasad, Aged About 24 Years,
 3. Dwarika Prasad, S/o. Ghanshyam Sahu, Aged About 28 Years
- All R/o Village Patpar, P. S. Chhuriya, Out Post Chichola, District Rajnandgaon, Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : P. S. Chhuriya, Out Post -Chichola,
District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants	: Mr. Keshav Dewangan, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/03/2018**

1. Apprehending arrest in connection with Crime No.121/2017, registered at Police Station – Chhuriya, Out Post - Chichola, District – Rajnandgaon (C.G.) for offence punishable under Section 294, 506/34 of of the Indian Penal Code and Section 3 & 5 of Tonahi Pratadna Pratishedh Adhiniyam, 2005, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. It is submitted that applicants and complainant party both are related to each other

as both have same ancestry and because of some dispute between them, false complaint has been lodged against the applicants. Regarding this incident that has taken place, these applicants have also filed a complaint before the Police on 23.02.2017, which was enquired and FIR was registered against the complainant and others on 25.04.2017. In the case registered against the complainant and others, they have been granted bail by the Sessions Court. It is also submitted that one of the co-accused has been granted anticipatory bail by this Court in M.Cr.C.(A) No.629/2017 vide order dated 10.11.2017. Therefore, it is prayed that the applicants may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that subsequent to the lodging of FIR by the complainant on 21.02.2017, the applicants have filed written complaint to prepare a case in defence. It is also submitted that applicant No.3 has history of having one case under the provisions of I.P.C. and two cases of preventive proceeding under the provisions of Cr.P.C., hence, he is not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. It is alleged that on the date of incident the dispute that was going between the applicants and the complainant, applicants started abusing the complainant – Anita Sahu alleging that she is sorcerer and also threatened her. On lodging FIR, offences have been registered against the applicants.

6. Considered the submissions made and the contents of the case diary. Considering the material present in the case diary and the document submitted along with the application, it appears that counter case is registered against the complainant and others in this case, in which similar offence have been registered against complainant and others for calling the applicants as sorcerer and using abusive words. Considering this fact that one of the co-accused person has been granted anticipatory bail and the offence of this applicants are also similar to that of the accused person who has been granted anticipatory bail, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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 him/her 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram