

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 401 of 2019

- Abhishek Agrahari S/o Shri Bhagwan Das Aged About 35 Years Caste Vaishya, Occupation - Business, R/o Bada Bazar, Chirmiri, District- Koriya Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station - Ajak, Baikunthpur, (Wrongly Mentioned In Ordersheet As Chirmiri), District - Koriya Chhattisgarh.

---- Respondent

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MCRCA No. 441 of 2019

- Smt. Sweta Agrahari W/o Shri Santosh Kumar Gupta Aged About 33 Years R/o Ambikapur Datt Colony, District- Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station Chirimiri, District- Korea, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pushkar Sinha & Mr. Avinash Chand Sahu, Advocates.
For Respondent/State	:	Mr. Himanshu Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/03/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed off by this common order.
2. Applicants have preferred the above applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.4/2019 registered at Police Station-Ajak, Baikunthpur, District – Korea(C.G.), for the offence punishable under Sections 294, 506, 34 of the Indian Penal Code (for short 'IPC') and Section 5 Tonhi Pratarna Act and Section 3(1)(द)(घ), 3(2)(v-क) of SC/ST(Prevention of Corruption) Act.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against these applicants. Infact applicants are tenants of complainant Janki Nag and there is a dispute of tenancy between the parties. The complainant has lodged a false FIR narrating a totally improbable story therein. The FIR is belated and concocted one. Hence, it is prayed that both the applicants be benefited with grant of anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that the complainant has made direct allegations against applicants regarding abusing and threatening her and also identifying her as a Sorcerer. Hence,the application is liable to be rejected.
5. Heard both the parties and perused the case diary.
6. As per FIR lodged, on the date of incident, the applicants in both the cases came in front of the house of the complainant and after abusing and threatening her, called her as sorcerer because of which FIR has

been lodged.

7. After considering on all the material present in the case diary, I feel inclined to allow this application.
8. Accordingly, both the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each 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 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.

(Rajendra Chandra Singh Samant)
Judge