

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 503 of 2019

1. Anil Patel, S/o Late Shri Jaishri Patel Aged About 44 Years R/o Village Kailashpur, Police Chowki Wadarafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.,
2. Sarla Devi W/o Anand Patel Aged About 38 Years R/o Village Kailashpur, Police Chowki Wadarafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.
3. Uttara Patel W/o Sunil Patel Aged About 35 Years R/o Village Kailashpur, Police Chowki Wadarafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.
4. Manmati Patel W/o Late Shri Jaishri Patel Aged About 70 Years R/o Village Kailashpur, Police Chowki Wadarafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.
5. Roop Tara Patel W/o Anil Patel Aged About 34 Years R/o Village Kailashpur, Police Chowki Wadarafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.
6. Rekha Patel W/o Sumant Patel Aged About 42 Years R/o Village Kailashpur, Police Chowki Wadarafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.
7. Krishna Patel S/o Late Mohan Patel Aged About 42 Years R/o Village Pansara, Police Chowki Wadarafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.
8. Sargam Patel S/o Alha Patel Aged About 22 Years R/o Village Pansara, Police Chowki Wadarafnagar, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

&

MCRC No. 1646 of 2019

1. Sumant Patel S/o Late Shri Jaishri Patel Aged About 50 Years R/o Kailashpur, Police Station- Basantpur, Police Chowki- Wadrafnagar, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
2. Sunil Patel S/o Late Shri Jaishri Patel Aged About 40 Years R/o Kailashpur, Police Station- Basantpur, Police Chowki- Wadrafnagar, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh
3. Prithvinath Patel S/o Siyaram Patel Aged About 34 Years R/o Kailashpur, Police Station- Basantpur, Police Chowki- Wadrafnagar, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station- Basantpur, District- Blrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants : Mr. Jitendra Shrivastava, Advocate.

For Respondent : Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/04/2019

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided

together by this common order.

2. Applicants have filed M.Cr.C(A) No.503/2019 seeking anticipatory bail as they apprehend their arrest in connection with Crime No.94/2016 registered at PS-Basantpur, District-Balrampur, Ramanujganj for the offence punishable under Sections 147, 294, 506, 323 of Indian Penal Code (for short 'IPC') and 3(1)(v)(क.) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Applicants have filed M.Cr.C. No.1646/2019 seeking regular bail as he has been arrested in connection with Crime No.94/2016 registered at PS-Basantpur, District-Balrampur, Ramanujganj for the offence punishable under Sections 147, 294, 506, 323 of Indian Penal Code (for short 'IPC') and 3(1)(v)(क.) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
4. Learned counsel for the applicants submits that applicants are innocent and have falsely implicated in this case. The background of the case is this, that the applicants are in possession of a land on which the complainant party have raised dispute and had committed *Marpeet* with the applicants and the FIR lodged by the applicant side, offences under Sections 147, 294, 506, 323 & 307 IPC were registered against the complainant as Crime No.93/2016. The complainant have been prosecuted in that case and has been convicted by the Court below. The FIR lodged by the complainant is of the same date and registered as Crime No.94/2016 in which investigation has not been completed till date and charge-sheet has not been filed. This incident has occurred because of the dispute regarding the land and the finding of SDO in the order filed as Annexure-A3 is in favor of these applicants that the applicants are in possession of the same land regarding which

complainant have raised the dispute. The complainant has falsely alleged that these applicants had insulted him on the basis of his social status, therefore, no case is made out against them, it is prayed that these applicants be granted anticipatory/regular bail.

5. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that the complainant Devraj is a member of Scheduled Tribes and there is clear allegation that his caste name was used while abusing him, therefore, no case is made out for grant of anticipatory/regular bail.
6. Heard both the parties and perused the case diary.
7. The case of prosecution is this, that on the date of incident complainant and others were present on the agricultural field for tilling the land when the applicants arrived there as an unlawful assembly, who abused, threatened and also insulted the complainant by using his tribe name. Hence, this case.
8. Considered on the entire material present in the case diary. The case is still under investigation and almost time of 3 years have passed. This fact is also notable that in the counter case, the complainant party has been prosecuted and convicted by the Court below, therefore, infact it had been a land dispute which has resulted in commission of offences by both the sides, hence, after due consideration on all the facts and circumstances, I feel inclined to allow both the applications anticipatory as well as regular.
9. Accordingly, bail application filed on behalf of applicants in M.Cr.C. (A) No.503/2019, is also allowed. 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 their executing a

personal bond in sum of Rs.25,000/- each with one surety 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 them/their 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.

10. Accordingly, the bail application i.e. M.Cr.C. No.1646/2019 filed on behalf of applicants under Section 439 of Cr.P.C. is allowed. It is directed that they be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge