

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 910 of 2019

1. Mehrab Ansari, S/o Tunu Miya Aged About 65 Years R/o Balrampur, Police Station And Tahsil- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.
2. Mokhtaar Ansari, S/o Mehrab Ansari Aged About 36 Years R/o Balrampur, Police Station And Tahsil- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.
3. Akhtar Ansari, S/o Mehrab Ansari Aged About 34 Years R/o Balrampur, Police Station And Tahsil- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.
4. Patel @ Sattar Ansari, S/o Mehrab Ansari Aged About 32 Years R/o Balrampur, Police Station And Tahsil- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.
5. Intaj Ansari S/o Mehrab Ansari, Aged About 29 Years R/o Balrampur, Police Station And Tahsil- Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Balrampur, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Tripathi, Advocate.
For Respondent : Mr. Lav Sharma, Panel Lawyer.
For Objector : Mr. A.N. Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/08/2019

1. Learned counsel for the applicants submits that he does not want to press this bail application so far as it relates to applicant No.1.
2. Accordingly, the bail application of applicant No.1 is dismissed as not

pressed.

3. The applicants No.2 to 5 have preferred this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.119/2019 registered at Police Station-Gudhiyari, District-Raipur, Chhattisgarh for the offence punishable under Section 452, 323 r/w 34 of the Indian Penal Code.
4. Learned counsel for applicants No.2 to 5 submits that applicants are innocent and have been falsely implicated in this case. It is a case of double jeopardy. Initially, these applicants were arrested under Section 151 of CrPC and they were released on bail on 8.3.2013 regarding which documents have been filed along with application. On the basis of the same facts, another FIR has been lodged by complainant Rustam Ansari, therefore, the applicants have apprehension that they may be arrested by the police in this case again. Hence, the application of these applicants be allowed.
5. Learned State counsel opposes bail application and submissions made in this respect.
6. After adopting the arguments advanced by learned State Counsel, it is submitted by the learned counsel for the Objector that the offence committed by the applicants is serious in nature, therefore, the application be rejected.
7. Heard both the parties and perused the case diary.
8. According to the prosecution case, some land was sold by the complainant to applicant Mehrab Ansari in the year 1995, thereafter a dispute with regard to possession of the property was going on between them. It is alleged that on the date of incident i.e. 6.3.2019, the applicants forcefully dispossessed the complainant from the said

property regarding which FIR has been lodged.

9. Considering that on the basis of similar facts, the police has already proceeded against the applicants under the provision of CrPC and it is a same case for which FIR has been lodged, for this reason, I feel inclined to allow the application of these applicants.

10. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of applicants in connection with 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. 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge