

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 999 of 2019

1. Kunjram S/o Chhotu Bhaskar, Aged About 48 Years, R/o Village Jhalri, Dhankodapara, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
2. Pushpa Bai W/o Kunjram, Aged About 45 Years, R/o Village Jhalri, Dhankodapara, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
3. Gajpal S/o Kunjram, Aged About 28 Years, R/o Village Jhalri, Dhankodapara, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
4. Devdas S/o Kunjram, Aged About 24 Years, R/o Village Jhalri, Dhankodapara, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
5. Lavkesh S/o Kunjram, Aged About 22 Years, R/o Village Jhalri, Dhankodapara, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
6. Ishwari D/o Kunjram, Aged About 20 Years, R/o Village Jhalri, Dhankodapara, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
7. Ragini Bai W/o Santosh Patley, Aged About 35 Years, R/o Basti, Village- Jhalri, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
8. Deepak S/o Santosh Patley, Aged About 17 Years, Minor through natural guardian father namely Santosh Patley, R/o Basti, Village- Jhalri, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
9. Kripal S/o Parasram Dhritlaharey, Aged About 33 Years, R/o Basti, Village- Jhalri, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
10. Komal Patley S/o Ram Prasad Patley, Aged About 28 Years, R/o Basti, Village- Jhalri, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh
11. Santosh Patley S/o Ridhiya Patley, Aged About 35 Years, R/o Village Jhalri, Dhankodapara, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicants

Versus

- State of Chhattisgarh, through Station House Officer, Police Station- Lormi, District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Non-applicant

For Applicants – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-08-2019

1. At the outset, learned counsel for the applicant prays to withdraw the application for applicant No.5 and 9 in this application, namely, Lavkesh and Kripal for the reason that both these applicants have been arrested. Therefore, their application for grant of anticipatory bail is dismissed as withdrawn.
2. This application has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail. Applicant No. 1 to 4, 6, 7, 8, 10 and 11 are apprehending arrest in connection with Crime No.207/2019, registered at Police Station – Lormi, District Mungeli, Chhattisgarh for offence punishable under Section 307, 147, 148, 149, 325 of the IPC.
3. It is submitted by learned counsel for these applicants that applicant No. 1 to 4, 6, 7, 8, 10 and 11 in this application have been falsely implicated in this case. No case is made out against them for offence under Section 307 of the IPC or Section 325 of the IPC. The fact is this, that complainant party had attacked on the applicants party during the event of engagement of applicant No.4, because of previous enmity. The first FIR was lodged by the applicants side, which has been registered as Crime No.206/2019 in which offence registered against the complainant party under Section 147, 148, 149, 294, 506, 323 and 452 of the IPC. Subsequent to that, the complaint was lodged by the complainant side making exaggeration in their statement on the basis of which this false FIR was lodged. There is no medical evidence to show that any of the injured persons has suffered any fatal injury. Therefore, it is prayed that these applicants may be benefited with grant of anticipatory bail.
4. Learned counsel for the State/non-applicant opposes the application submitting that there is ample evidence present in the statement given by the eye-witnesses that the applicants assaulted and injured the victims of the complainant party. Therefore, no case is made out for grant of anticipatory bail.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, on 10-05-2019, complainant Kantibai

was passing from front of the house of the applicants, which was objected to by the applicants and she was abused and thereafter the other victims of the case joined her and a quarrel took place between both the parties. It is alleged that the applicants engaged in assaulting the complainant and others with clubs, hands and fists causing injuries to a number of victims, regarding which the FIR has been lodged.

7. Considered on the material present in the case diary. On perusal of the injury reports of injured persons, namely, Kantibai, Sanju, Arun, Padum, Lal Singh, Yashwant, Vijay, it is found that none of the injured has suffered any fatal injury or even grievous injury. Therefore, it appears that investigation has to be made further how the case is made out under Section 307 of the IPC or under Section 325 of the IPC. For these reasons and also for the reason that there is counter FIR lodged against the complainant party, I feel inclined to allow this application for applicant No. 1 to 4, 6, 7, 8, 10 and 11.

8. Accordingly, the application for grant of anticipatory bail to applicant No. 1 Kunjram, applicant No.2 Pushpa Bai, applicant No.3 Gajpal, applicant No.4 Devdas, applicant No.6 Ishwari, applicant No.7 Ragini Bai, applicant No.8 Deepak, applicant No.10 Komal Patley and applicant No.11 Santosh Patley is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge