

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1172 of 2019**

1. Ashwani Tondrey S/o Shri Chandrashekhar Tondrey Aged About 34 Years Working As Sarpanch, Village Khurubhatha, Jairam Nagar, Masturi, District Bilaspur, Chhattisgarh, R/o Village Khurubhatha, Jairam Nagar, Masturi, District Bilaspur Chhattisgarh.
2. Rajesh Yadav S/o Late Shri Ganesh Ram Yadav Aged About 30 Years Occupation Farmer, R/o Village Khurubhatha, Jairam Nagar, Masturi, District Bilaspur Chhattisgarh.
3. Govind Ram Patel S/o Late Shri Parmanand Patel, Aged About 60 Years Occupation - Farmer, R/o Village Khurubhatha, Jairam Nagar, Masturi, District Bilaspur, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Ranbir Singh Marhas, Advocate.
For Objector	: Shri Yogesh Chandra, Advocate.
For Respondent/State	: Shri Amit Kumar Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/08/2019

1. The Applicants have preferred this first anticipatory bail application under Section 438 of Cr.P.C. for apprehending their arrest in connection with Crime No. 203/2019 registered at Police Station Masturi, District – Bilaspur, (C.G.). for the offence punishable under Sections 294, 354, 323, 506 r/w Section 34 of IPC and Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution story, Complainant Smt. Prateema Kumari Chauhan made a complaint alleging therein that the present Applicants have threatened her to boycott on account of her inter-caste marriage. It is further stated that in the year 2016, Complainant solemnized inter-caster marriage with one Manoj Kumar Patel and

after marriage she started residing with her in-laws since 2018. Her in-laws have also accepted her as their family member, however, the Applicants and some villagers used to cause mental torture upon her and also abused her and her husband. It is further alleged that Applicants have threatened the Complainant and her family members. On 30.01.2019, while Complainant and her husband were looking after the land area bearing Khasra No. 1/1 admeasuring 1.60 decimal which the government has granted on lease to the brother-in-law of the Complainant namely Suresh Patel, for mining purposes till 11.08.2019, for raising boundary wall and a house on the said land, at that time, present Applicants came to the spot and used filthy language on Complainant and her husband and also assaulted them. It has further been alleged that present Applicants called up a J.C.B. and demolished the boundary wall raised thereon. Applicants also gathered the villagers and issued a direction prohibiting people from communicating with the Complainant and her husband and boycotted them and imposed a penalty of Rs. 2,000/- in case if anyone communicated with them. Thereafter, Complainant preferred a Writ Petition bearing No. WPCR No. 114 of 2019 which was disposed off by this Court vide order dated 05.03.2019 directing the concerned police authorities to register F.I.R. in accordance with law laid down by the Hon'ble Supreme Court in the matter of *Lalita Kumari Vs. State of Uttar Pradesh reported in (2014)2 SCC 1*. On the basis of the said, offence has been registered against the Applicants.

3. Learned Counsel appearing for the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. He further submits that there is nothing on record against the Applicants on the basis of which offence under Section 354 of IPC or Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act can be made out against them. It is further submitted that, the entire dispute has emerged out of ill-will and greediness of Ex-Sarpanch of the village Khurubhatha namely Thandha Ram who is the father-in-law of the Complainant. Apart from this, other family members of the Complainant were trying to encroach upon the vacant land which is

used by public at large. In order to protect the rights of the villagers, being a Sarpanch, who is Applicant No. 1 and other villagers wrote a complaint to the District Collector, Korba on 28.01.2019 in this regard. On 30.01.2019 also, they again wrote a letter to the concerned SDM regarding the same. Therefore, to protect her family members and herself, Complainant made a false complaint against the Applicants. *Prima facie*, no case is made out against the Applicants on the basis of said complaint. Applicant No.1 is a Sarpanch and other Applicants are the reputed persons of the village. Therefore, it is prayed that they should be granted benefit of anticipatory bail.

4. Learned Counsel appearing for the State and Objector oppose the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the allegations made in the complaint and after perusal of other materials available on record, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. They shall also abide by all the following terms and conditions :
 - (i) 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 from disclosing such fact to the Court,

- (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) They shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash