

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1150 of 2019

1. Narayan Verma S/o Late Bharat Lal Verma Aged About 44 Years R/o (Sarpanch Of Gram Panchayat Badra B) R/o Village Badra B, Police Station Sargaon, Tahsil And Block Pathariya District Mungeli Chhattisgarh.
2. Ramprasad Rajput S/o Sahasram Rajput Aged About 49 Years (Panch Of Gram Panchayat Badra B) R/o Village Badra B, Police Station Sargaon, Tahsil And Block Pathariya District Mungeli Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sargaon District Mungeli, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Lavkush Kumar Sahu, Advocate.
For Respondent/State	: Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/08/2019

1. Heard.
2. The applicants have filed this first bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 294/2018, registered at Police Station Sargaon, Distt. Mungeli (C.G.) for the offence punishable under Sections 294, 323, 427, 435 & 458/34 of the IPC.
3. As per prosecution story, complainant Omprakash Kurrey has lodged a report to the concern police station alleging therein that on 30.11.2017, at night when he after eating food was going to sleep, meanwhile, three unknown persons came in his house, used filthy

language, assaulted him by hand and fist and also threatened him to withdraw the complaint case which has been made by him against Sarpanch of his village. Thereafter, on 01.12.2017, he reported the matter in Pathariya Police Station. On the same day, when he was returned from concerned police station, he saw that his waste of paddy was burning on his land, cash and some ornaments were missing from his almirah. It is further alleged by him that on 01.12.2017 at night, present applicants along with other villagers came to his house, used filthy language with him and also threatened him to kill. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the applicants submits that applicant No. 1 is the Sarpanch of Gram Panchayat and applicant No. 2 is the Panch of said Gram Panchayat. They have been falsely implicated in the crime in question due to some previous enmity with the complainant. From the report made by the complainant, it is clear that the incident which was occurred on 30.11.2017 was done by unknown persons and the incident which was occurred on 01.12.2017 was done in the absence of the complainant. Learned Counsel further submits that the complainant had captured the government land, on which the Tehsildar had taken action for encroachment of the said land, in which the applicants have helped the Tehsildar because of this only reason, the complainant has wrongly been implicated the applicants in the crime in question.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that there is sufficient evidence available on record against the applicants, therefore, they may not be released on bail.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that there was a previous dispute between the parties. In these

circumstances, in my considered opinion, without further commenting on merits of the case, I am inclined to grant anticipatory bail to the applicants.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing personal bond in the sum of Rs. 25,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal o the trial.
10. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge