

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1203 of 2019**

1. Banshi Lal Sahu @ Kartikram Sahu S/o Abhayram Alias Abheram Aged About 54 Years
2. Somnath @ Govind S/o Shri Banshi Lal Sahu Aged About 31 Years
3. Pekhnath S/o Shri Banshi Lal Sahu Aged About 27 Years
4. Nageshwar Sahu S/o Shri Banshi Lal Sahu Aged About 25 Years

All by Caste Teli, R/o Village Pouni, P.S.- Pandariya, District- Kabirdham, Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh Through Station House Officer P.S.- Kunda, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicants	:	Shri F.S. Khare, Advocate.
For Respondent.	:	Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

20/08/2019

1. This is the first application filed by the applicants under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail, who are apprehending their arrest in connection with Crime No. 128/2019, registered at Police Station Kunda, District Kabirdham (CG) for the offence punishable under Sections 452, 294, 323, 506 r/w 34 of the IPC.
2. Case of the prosecution is that complainant lodged a report that on 14.6.2019 when he along with his sister-in-law doing whitewash of the wall towards the farm of the applicant Banshi Sahu, near wall the mouse dug the soil, on which, the present applicants abused and

assaulted the complainant and his family members and snatched the mobile phone of the son of the complainant.

3. Learned counsel for the applicants submit that the applicants are innocent and have been falsely implicated in this case. On account of a land dispute between the applicants and the complainant, a report has been lodged. He prays for releasing the applicants on anticipatory bail.
4. Counsel for the State, however, opposes the application for anticipatory bail.
5. I have heard learned counsel both the parties and perused the case-diary.
6. Considering the totality of the facts, in particular, the nature of allegations against the applicants, this Court is of the view that it is a fit case to grant anticipatory bail to the applicants. Accordingly, the application filed under Section 438 Cr.P.C. is allowed.
7. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on each of them furnishing a 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. They shall abide by all the terms and conditions laid down in Section 438 (2) of the Code of Criminal Procedure.
8. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE

