

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1229 of 2019

- Kunti Sharma, W/o Shri Dilip Sharma, Aged About 34 Years, R/o In Front Of Ganesh Mandir, Gali No.1 Shiv Vihar Mahmand, Police-Station Torwa, District-Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Torwa, District-Bilaspur Chhattisgarh.

---- Respondent

MCRCA No. 1258 of 2019

- Parmeshwar Prasad Sharma, S/o Late Shri Ayodhya Prasad Sharma, Aged About 75 Years, R/o Ganesh Nagar, Sirgitti, Police-Station-Sirgitti, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station- Torwa, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Rishi Rahul Soni, Advocate.
For Respondent/State	:	Mr. Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/09/2019

1. As both the above applications arise out of the same crime number, therefore, they are being disposed of by this common order.

2. Applicants in both the above cases have preferred application for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.60/2019 registered at Police Station - Torwa, Bilspur District – Bilaspur (Chhattisgarh), for the offence punishable under Sections 294, 323, 452, 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in the crime in question. In fact, the offence under Section 452 of IPC, which is non-bailable, is not at all made out against them. The applicants are landlords and the complainant is tenant, therefore, the applicants had all the authorities to enter their property. Further, there is no evidence regarding any preparation made before the incident took place. Rest of the offences registered against the applicants are bailable in nature. Hence, it is prayed that the applicants be granted anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. FIR has been lodged by complainant Durga Yadav to the effect that on the date of incident when she was in her house, both the applicants came there and quarrelled with her. During this quarrel, the applicants had abused and assaulted her with hands & fists causing injuries to her. Hence, this case.
7. As it appears that there is a dispute of tenancy between both the parties and the assaults were made only by hands & fists, therefore, I feel inclined to allow applications of the applicants.
8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the

above crime number, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant 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 him/her 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