

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1275 of 2019**

1. Madhav Singh Chandra S/o Ramnath, aged About 55 Years Caste Chandra, R/o Near Jain Mandir Akaltara, Tehsil and Police Station Akaltara, District Janjgir - Champa Chhattisgarh.
2. Smt. Madhu Chandra W/o Madhav Singh, aged About 49 Years Caste Chandra, R/o Near Jain Mandir Akaltara, Tehsil And Police Station Akaltara, District Janjgir - Champa Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Jaijaipur, District Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicant : Shri Sumit Singh, Advocate.

For Respondent/State : Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****15/10/2019**

1. Heard.
2. Learned Counsel appearing on behalf of the Applicants submits that he wants to withdraw the Application with respect to Applicant No. 2.
3. In view of the above submission made by learned Counsel, application is dismissed as withdrawn with respect to Applicant No. 2 namely Smt. Madhu Chandra.
4. The Applicant No. 1 has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 115/2019 registered at Police Station Jaijaipur, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 4 &

5 of C.G. Tonhi Pratarna Nivaran Adhiniyam.

5. In this case, Applicant No. 1 is the real brother of complainant and Applicant No. 2 is the wife of Applicant No. 01. Complainant is the sister of Applicant No. 1. As per the prosecution story, Complainant has lodged a report alleging therein that both the Applicants used to harass her by saying '*Tonhi*' and also used to say that she is involved in black magic and due to that health of the family members is not well. On the basis of the said, offence has been registered.
6. Learned Counsel appearing for the Applicant No. 1 submits that the Applicant No.1 is innocent and has been falsely implicated in the present case due to family dispute relating to property. He further submits that Complainant is the real sister of Applicant No. 1. He further submits that in the F.I.R. no specific allegation has been made against Applicant No. 01. It is further submitted that Applicant is the resident of Akaltara and Complainant is the resident of Village Nandeli. Therefore, complainant being called as '*Tonhi*' by the Applicant is not reliable. Applicant is a Teacher in Government School and there is no chance of his absconding. Therefore, Applicant No. 1 may be granted benefit of anticipatory bail.
7. Learned Counsel appearing for the State opposes the bail application.
8. I have heard learned Counsel appearing for the parties and perused the material available with due care.
9. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to Applicant No 1.
10. Accordingly, the bail application is allowed.
11. It is directed that in the event of arrest of the Applicant No. 1 in connection with the aforesaid crime, he shall be released on anticipatory bail on 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. He shall also abide by all the following terms and conditions :

- (i) He 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) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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