

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 1501 of 2018**

1. Ashok Singh Thakur S/o Shri Padum Singh Aged About 48 Years R/o Rajput Contraction Near Uslapur Wood Pox Barrier, Uslapur, P. S. Sakri District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Pavan Singh S/o Shri Shobha Singh Aged About 28 Years R/o Rajput Contraction Near Uslapur Wood Pox Barrier, Uslapur, P. S. Sakri District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
3. Ramesh Singh Thakur S/o Shri Bisen Singh Aged About 55 Years R/o Ramnagar Tikrapara Ward No. 3 Takhatpur, P. S. Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
4. Nemin Bai W/o Ramesh Singh Aged About 52 Years R/o Ramnagar Tikrapara Ward No. 3 Takhatpur, P. S. Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
5. Raju @ Pappu S/o Dev Kumar Sahu Aged About 35 Years R/o Mahuabhata Amora Road P. S. Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

1. Pramod Singh @ Golu S/o Bihari Aged About 25 Years R/o Village Kodwabani P. S. Lalpur District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh
2. State Of Chhattisgarh Through Police Station Lalpur District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondents**And****M.Cr.C.(A) No. 1502 Of 2018**

1. Kartal Singh @ Bhop Singh S/o Shri Umedi Singh Aged About 40 Years R/o Kodwa, P. S. Mungeli Tahsil And District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh
2. Kaleshwar Singh S/o Shri Posagilal @ Marha Aged About 42 Years R/o Village Kodwabani, P. S. Lalpur District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Applicants**Vs**

1. Pramod Singh @ Golu S/o Bihari Aged About 25 Years R/o Village Kodwabani, P. S. Lalpur District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh
2. State Of Chhattisgarh Through P. S. Lalpur District Mungeli Chhattisgarh, District : Mungeli, Chhattisgarh

---- Respondents

For the Applicants	:	Shri Dheerendra Pandey, Advocate.
For the Respondent/State	:	Shri Avinash K. Mishra, P.L.
For the Objector	:	Shri Sunil Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

11.02.2019

Heard.

1. Both these applications are being decided by this common order as they arise from the same incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Criminal Complaint No.1452 of 2015 registered at Police Station – Lalpur, District Mungeli, Chhattisgarh, for the offences punishable under Sections 448, 452, 461, 294, 506(B), 323, 427 and 395 of the Indian Penal Code.

2. It is informed by counsel for the applicants that applicant No.4 – Nemin Bai in M.Cr.C.(A) No. 1501 of 2018 has been arrested and therefore, her application under Section 438 of the Cr.P.C. is rejected as having become infructuous.

Learned counsel for the applicants further submits that the applicants in both the cases have been falsely implicated in this case. The marriage of complainant – Pramod Singh @ Golu has taken place with daughter of applicant No.1 – Ashok Singh Thakur. Because of some dispute, one FIR was lodged by daughter of applicant No.1 against these applicants in which the complainant and others were benefited with grant of anticipatory bail,

false allegations have been made in the FIR against the applicants as a counter-blast. Hence, it is prayed that the applicants in both the cases are entitled for grant of anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the evidence collected in the investigation made so far, the applicants in both the cases are not entitled for grant of anticipatory bail.

4. Learned counsel for the Objectors submits that there is clear evidence of participation of all the applicants in the alleged commission of offence and the offences committed are of serious in nature. Hence, it is prayed that the applications of the applicants in both the cases be rejected.

5. Heard counsel for both the parties and perused the case diary.

6. Complainant – Pramod Singh @ Golu has filed a complaint stating that his marriage with daughter of applicant No.1 – Ashok Singh Thakur took place on 18.4.2014. Because of some dispute, wife of the complainant left him and has lodged FIR against the complainant and others. When the complainant and others were granted anticipatory bail by the Sessions Court, applicant No.1 – Ashok Singh Thakur felt anguished and enraged, who then came to the residence of the complainant on 19.9.2014 alongwith 15-20 persons, therein, by breaking, open the door of the house of the complainant, applicant No.1 and his associates committed house trespass, abused, threatened, assaulted and thrashed the inmates of the house. In this incident, the applicants broke open the almirahs and took away the

jeweleries, clothes, cash and other things with them and thus, have committed the offence of dacoity.

7. Considered the entire material present in the record of both the cases. Two of the co-accused, namely, Smt. Santoshi and Bhagwati Bai have been granted anticipatory bail by this Court in M.Cr.C.(A) No. 1220 of 2016 vide order dated 20.8.2018 for the reason that the applicants were women, but this ground is not available to the applicants in both the cases. Hence, looking to the gravity of the allegations against the applicants in both the cases, I do not feel inclined to grant anticipatory bail to all the applicants in both the cases.

8. Accordingly, the bail applications filed by the applicants in both the cases under Section 438 of the Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge