

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1840 of 2019**

1. Manharan Lal Sahu, S/o Shri Rathram Sahu Aged About 60 Years R/o Village Padawpara, Kargiroad, Kota, P.S. - Kota Dist. - Bilaspur Chhattisgarh.
2. Sita Sahu W/o Manharan Lal Sahu Aged About 60 Years R/o Village Padawpara, Kargiroad , Kota, P.S. - Kota, Dist. - Bilaspur Chhattisgarh.

---- Applicants**Versus**

- State of Chhattisgarh Through S.H.O. P.S. Kota, Dist Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	: Shri Ishwar Jaiswal, Advocate.
For Respondent/State	: Shri Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**02/12/2019**

1. The Applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 443/2019 registered at Police Station Kota, District – Bilaspur, (C.G.). for the offence punishable under Sections 354, 294, 506(B), 323/34 of I.P.C.
2. As per the prosecution story, on 01.10.2019, complainant, who is a married lady aged about 42 years made a complaint alleging therein that her house is adjacent to the house of the applicants and there is dispute between both the parties since last four years regarding drainage of water. On 30.09.2019 around 4:00 PM, a dispute took place due to drainage of water between both the parties and applicants abused the complainant in filthy language and also committed *marpit* with her by pulling her hair and saree. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case by the complainant. He further submits that except Section 354 of I.P.C., all other offences are bailable, also no case under Section 354 of I.P.C. is made out against applicants. It is further submitted that there was previous dispute between the parties. Both applicants are husband and wife, aged about 60 years. Looking to the above, it is prayed that applicants may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicants in connection with the aforesaid crime, they shall be released on anticipatory bail on each of them 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. They shall also abide by all the following terms and conditions :
 - (i) They 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 fact to the Court,
 - (ii) They shall not act in any manner which will be prejudicial to fair and expeditious trial, and

- (iii) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash