

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1903 of 2019

Yaman @ Shambhu Dewangan S/o Shri Tungnath Dewangan Aged About 42 Years R/o Shivaji Ward Mungeli, Thana, Tahsil And District Mungeli, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- City Kotwali, District Mungeli, Chhattisgarh.

---- Respondent

AND

MCRCA No. 345 of 2020

1. Sonu Dewangan @ Satya Kumar S/o Pardeshi Dewangan Aged About 30 Years R/o Shivaji Ward, Mungeli, Police Station And Tahsil Mungeli, District Mungeli Chhattisgarh.
2. Monu Dewangan @ Harish Dewangan S/o Pardeshi Dewangan Aged About 28 Years R/o Shivaji Ward, Mungeli, Police Station And Tahsil Mungeli, District Mungeli Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station City Kotwali, District Mungeli Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No.1903/2019) :Mr. Arvind Shrivastava, Advocate.

For Applicants (In MCRCA No.345/2020) : Mr. Arvind Shrivastava, Advocate.

For Respondent/State(In MCRCA No.1903/2019): Ms. Seema Dixit, P.L.

For Respondent/State(In MCRCA No.345/2020): Mr. Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

03/03/2020

1. Since, the above bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 662/2019, registered at Police Station City Kotwali, Distt. Mungeli (C.G.) for the offence punishable under Sections 323, 294, 506, 452 & 427 of the IPC.
3. As per prosecution story, on 01.11.2019, complainant Narumal Bhojwani lodged a complaint in concerned Police Station alleging therein that on 01.11.2019 itself about 9 PM when he was going from his home to bus stand and when he reached near the house of Diwanchand Shitlani at that moment, applicant Yaman @ Shambhu Dewangan reached there in his car and parked his car there. When the complainant asked applicant Yaman for remove his car then the applicant Yaman committed *Marpeet* with the complainant. At that time when Kamal Rupwani, Geeta Rupwani and Rakhi Rupwani tried to intervene then applicants Sonu Dewangan and Monu Dewangan also assaulted to the complainant's party, abused them with filthy language and threatened them to kill. On the basis of said background initially offence under Sections 294, 323, & 506 has been registered. During course of investigation, on the basis of statement of the complainant recorded under Section 161 of Cr.P.C., offence under Sections 452 & 427 of the IPC has been added.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. Prima facie no offence under Section 452 of the IPC can be made out against the applicants. He further submits that apart from Section 452 of the IPC, all offence are bailable in nature. The Counsel further submits that in the FIR also, no allegations have been made with regard to Section 452 of the IPC. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail

applications.

6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the facts that in the FIR, no allegations have been made with regard to Section 452 of the IPC and apart from Section 452 of the IPC, all offence are bailable in nature. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-

(Arvind Singh Chandel)
Judge