

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 598 of 2020

1. Shyam Bahadur Singh @ Vinod Singh And Ors. S/o Late Mathura Singh Aged About 49 Years R/o House No. 43, Kailash Nagar, Near Ekta Chowk, Housing Board, Bhilai, Tahsil Durg, District Durg Chhattisgarh.
2. Dharmendra Bansal S/o Govind Bansal Aged About 51 Years R/o Lig - 38, Vaishali Nagar, Bhilai, Tahsil Durg, District Durg Chhattisgarh.
3. G. Suresh Pillai S/o N.G.K. Pillai Aged About 50 Years R/o Sector - 1, Sai Enterprises, A Market Bhilai, Tahsil Durg, District Durg Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Jamul, Bhilai, District Durg Chhattisgarh.

---- Respondent

AND

MCRCA No. 789 of 2020

Mahesh Gupta S/o Late Shri Ramratan Gupta Aged About 63 Years R/o 2/10, Priyadarshini Parisar (West), P.S. Supela, Post - Nehru Nagar, Bhilai, District Durg Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Durg, District Durg Chhattisgarh.

---- Respondent

For Applicants (in MCRCA No. 598/2020): Mr. Goutam Khetrapal, Advocate.
For Applicant (in MCRCA No. 789/2020) : Mr. Amiyakant Tiwari, Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

01/07/2020

1. Vide order dated 12.06.2020 of this Court, Counsel for applicants (in MCRCA No. 598/2020) submits that applicant No. 1 Shyam Bahadur Singh @ Vinod Singh has already arrested. Therefore, the instant

application(MCRCA No. 598/2020) has become infructuous on his behalf.

2. In view of above, the instant application (MCRCA No. 598/2020) has now become infructuous with regard to applicant No. 1 Shyam Bahadur Singh @ Vinod Singh.
3. Since, both the applications arise out of same crime number, therefore, they are being decided by this common order.
4. 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. 154/2019, registered at Police Station Jamul, District Durg (C.G.) for the offence punishable under Sections 294, 427, 447, 454 & 506-B of the IPC.
5. According to the case of prosecution, on 25.03.2019, an FIR has been lodged by the complainant alleging therein that on 03.11.2018 about 9 AM, the applicants entered in the land of the complainant situated at Khasra No. 1607/97, Kurud, District-Bhilai admeasuring area 3200 Sq. ft. and have destroyed the standing boundary wall and took over possession of the land further when they were asked to vacate the land by the complainant, the applicants abused the complainant by using filthy language and threatened him to kill. On the basis of said report, offence has been registered.
6. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated in the present case. The entire story is fabricated to create pressure upon the applicants. They further submit that the incident is on 03.11.2018 and the FIR has been lodged after four months. There is no such details have been mentioned about the other allegations in the FIR. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
7. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
8. I have heard learned Counsel for the parties.
9. Considering the circumstances and totality of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and particularly considering the facts that FIR has been lodged after four months of the incident and no such specific details have

been mentioned about the alleged incidents. 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.

10. Accordingly, the anticipatory bail applications are allowed.

11. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one solvent 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 accused/applicants shall made 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