

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 621 of 2020

1. Jagmohan S/o Ramayan Singh Aged About 27 Years Caste Is Gond And R/o Laharapara, Patrapali, Police Station Pali, District Korba, Chhattisgarh.
2. Suresh Singh Maravi S/o Rambhau Aged About 42 Years Caste Is Gond And R/o Laharapara, Patrapali, Police Station Pali, District Korba, Chhattisgarh.
3. Atul Maravi S/o Narayan Singh Aged About 18 Years Caste Is Gond And R/o Laharapara, Patrapali, Police Station Pali, District Korba, Chhattisgarh.
4. Satyajeet S/o Ramayan Singh Aged About 21 Years Caste Is Gond And R/o Laharapara, Patrapali, Police Station Pali, District Korba, Chhattisgarh.
5. Savita W/o Rohit Aged About 25 Years Caste Is Gond And R/o Laharapara, Patrapali, Police Station Pali, District Korba, Chhattisgarh.
6. Gangotri Maravi W/o Narayan Singh Aged About 40 Years Caste Is Gond And R/o Laharapara, Patrapali, Police Station Pali, District Korba, Chhattisgarh.
7. Sumitra Maravi W/o Suresh Maravi Aged About 35 Years Caste Is Gond And R/o Laharapara, Patrapali, Police Station Pali, District Korba, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Korba, Chhattisgarh.

---- Respondent

For Applicants	: Shri Arvind Shrivastava, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/06/2020

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 55/2020 registered at Police Station Pali, District – Korba, (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 323, 452, 506 of I.P.C.
2. According to case of the prosecution, on 19.3.2020 when complainant Roshan was present at Ram Chowk, Laharapara, Batra, allegedly, applicant No. 4 Satyajeet, riding on motorcycle, came there and tried to dash Roshan, due to that a dispute took place between them. Thereafter, mother of Roshan came and intervened and took Roshan home. Allegedly, after 15 minutes, when Roshan went to hear “Navdha Ramayan”, there applicant No. 4 Satyajeet and applicant No. 3 Atul Maravi met him and assaulted him. It is further alleged that applicant Nos. 5,6 & 7 namely Savita, Gangotri Maravi & Sumitra Maravi respectively alongwith another lady forcibly entered inside the house of Roshan and assaulted his younger sister and mother. At that time applicant Nos. 1 to 4 also entered the house of the Roshan and they also assaulted Roshan and his mother with hand, fists and stick. On the basis of the said, offence has been registered.
3. Learned Counsel appearing for the applicants submits that applicants are innocent and have been falsely implicated in the present case due to some dispute. He further submits that apart from Section 452 of I.P.C., other offences are bailable. *Prima facie*, offence under Section 452 of I.P.C. is not made out as if the entire story is taken as it is, the

matter falls under ambit of Section 451 of I.P.C. only, which is bailable offence. Therefore, 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.
6. Taking into consideration the submissions put-forth on behalf of the parties and 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