

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 886 of 2020

1. Smt. Annapurna Sharma, W/o Jagatnarayan Sharma Aged About 65 Years R/o Babupara Ambikapur, Police Station And Tehsil Ambikapur And District Surguja, Chhattisgarh.
2. Smt. Uma Sharma W/o Raju Sharma Aged About 45 Years R/o Babupara Ambikapur, Police Station And Tehsil Ambikapur And District Surguja, Chhattisgarh.
3. Smt. Rita Yadav W/o Buchun Yadav Aged About 40 Years R/o Babupara Ambikapur, Police Station And Tehsil Ambikapur And District Surguja, Chhattisgarh.
4. Smt. Poonam Sharma W/o Dharendra Sharma Aged About 40 Years Occupation Teacher, R/o Village Gangapur, Police Station Gandhinagar, Tehsil Ambikapur, District Surguja, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali Ambikapur, District Surguja, Chhattisgarh.

---- Respondent

AND

MCRCA No. 970 of 2020

1. Raju Sharma, S/o Late Jagatnarayan Sharma Aged About 50 Years Occu - Business, R/o Babupara, Ambikapur, District Surguja Chhattisgarh.
2. Dharendra Sharma S/o Late Jagatnarayan Sharma Aged About 45 Years Occu - Private Job, R/o Village Gangapur Police Station Gandhinagar, Tehsil Ambikapur, District Surguja Chhattisgarh.
3. Bobby Sharma S/o Dharendra Sharma Aged About 21 Years Occu - Student, R/o Village Gangapur Police Station Gandhinagar, Tehsil Ambikapur, District Surguja Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali Ambikapur District Surguja, Chhattisgarh.

---- Respondent

For Applicants : Shri Shakti Raj Sinha, Advocate.
For Respondent/State : Shri Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

18/09/2020

1. The matter is heard through video conferencing.
2. As the both cases arise out of same crime number, therefore, they are being decided by this common order.
3. The applicants have preferred the first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 255/2020 registered at Police Station Kotwali Ambikapur, District – Surguja, (C.G.) for the offence punishable under Sections 147, 149, 294, 323, 452, 503 of Indian Penal Code.
4. According to the case of the prosecution, complainant Seema Sharma is the daughter-in-law of applicant No.1 (MCRCA No.886/2020). Son of the applicant Smt. Annapurna Sharma and husband of the complainant namely Ramesh died in the year 2018. On 20.5.2020, FIR has been lodged by the complainant stating therein that after death of her husband, house in question was mutated in her name. Thereafter on 13.5.2020, she sold the land to one Narendra Tuteja. Allegedly, on 20.5.2020 when she was in her house alongwith her daughter, all the applicants entered in her house and threatened her to vacate the house. Applicants also assaulted her with hand and fists due which she sustained injuries also. On the basis of the report, offence has been registered.

5. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that virtually after the death of husband of the complainant, she used to reside in another house alongwith her daughter. Applicants are residing in house in question from beginning and without informing them, complainant sold the said house. On the date of incident, complainant herself forcibly entered in the house in question and create dispute with the applicants there. The said matter was reported by applicant No.1 (MCRCA No.886/2020) and on the basis of the said offence under Sections 294, 506, 323, 147, 149, 452 are registered against complainant and other co-accused persons. Thereafter, in counter-blast, complainant has lodged false and fabricated report. It is further submitted that apart from offence under Section 452 of the IPC, all other offences are bailable. Since, applicants are in possession of the house in question from beginning, therefore, offence under Section 452 of IPC is not attracted. Therefore, it is prayed that applicants may be granted benefit of anticipatory bail.
6. Learned Counsel appearing for the State opposes the bail application and submits that virtually complainant is residing in a separate house and the alleged incident took place in that house itself. Therefore, as stated by applicants that dispute arose in the house in question is not accepted.
7. I have heard learned Counsel appearing for the parties and perused the material available.

8. 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 and on perusal of contents of the FIR, statements of the witnesses and the fact that report regarding alleged incident was firstly reported by applicant No.1 (MCRCA No.886/2020), without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

9. Accordingly, the bail applications are allowed.

10. 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 them 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