

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 934 of 2020

1. Salim Ghritlahre S/o Shri Shankar Ghritlahre Aged About 25 Years R/o Village Juda Chokey Lawan Police Station Kasdol District Balodabazar Bhatapara Chhattisgarh Civil And Revenue District Balodabazar Chhattisgarh.
2. Sanam Ghritlahre S/o Shri Shankar Ghritlahre Aged About 21 Years R/o Village Juda Chokey Lawan Police Station Kasdol District Balodabazar Bhatapara Chhattisgarh Civil And Revenue District Balodabazar Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Kasdol District Balodabazar Chhattisgarh.

---- Respondent

AND

MCRCA No. 979 of 2020

1. Muktawan Daharia S/o Shri Ghunau Daharia Aged About 65 Years R/o Village Juda Chokey Lawan Police Station Kasdol District Balodabazar Bhatapara, Chhattisgarh Civil And Revenue District Balodabazar, Chhattisgarh.
2. Dwarika Ghritlahre S/o Sepat Ghritlahre Aged About 51 Years R/o Village Juda Chokey Lawan Police Station Kasdol District Balodabazar Bhatapara, Chhattisgarh Civil And Revenue District Balodabazar, Chhattisgarh.
3. Hitesh Ghritlahre S/o Dwarika Ghritlahre Aged About 28 Years R/o Village Juda Chokey Lawan Police Station Kasdol District Balodabazar Bhatapara, Chhattisgarh Civil And Revenue District Balodabazar, Chhattisgarh.
4. Banshi Lal Ghritlahre S/o Chandram Ghritlahre Aged About 36 Years R/o Village Juda Chokey Lawan Police Station Kasdol District Balodabazar Bhatapara, Chhattisgarh Civil And Revenue District Balodabazar, Chhattisgarh.
5. Omprakash Dahria S/o Shri Manharn Dahria Aged About 40 Years R/o Village Juda Chokey Lawan Police Station Kasdol District Balodabazar Bhatapara, Chhattisgarh Civil And Revenue District Balodabazar, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Kasdol District, Balodabazar, Chhattisgarh.

---- Respondent

For Applicants in both the cases

:Mr. Ajay Mishra, Advocate.

For Respondent/State

:Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

25/08/2020

1. Since, both the 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. 326/2020, registered at Police Station Kasdol, District Balodabazar (C.G.) for the offence punishable under Sections 147, 148, 149, 294, 506-B, 452 & 436 of the IPC.
3. After arguing at length, learned Counsel for the applicants submits that he wants to withdraw the instant bail application with regard to applicant no. 5 (in MCRCA No. 979/2020) namely Omprakash Dahria.
4. In view of the above submission, the instant bail application is dismissed as withdrawn with regard to applicant no. 5 (in MCRCA No. 979/2020) namely Omprakash Dahria.
5. As per prosecution story, complainant Shivkumar lodged a report against the applicants and other co-accused persons in concerned Police Station alleging therein that on 20.05.2020, at about 7:15 PM, co-accused Jivanlal came to him, abused him with filthy language and threatened to kill him. Allegedly, he called the applicants and with intend to kill the complainant

and his family members all the applicants and co-accused persons entered into his house, the complainant with fear of his life, flee away from the spot and in absence of the complainant, all the applicants and co-accused persons damaged property of the complainant and one of his family members namely Mohan. On the basis of said report, offence has been registered.

6. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present cases due to some dispute with the complainant's party. Virtually the complainant's party assaulted the applicants on which, a report has also been lodged by the applicants' party against the complainant's party, thereafter, to falsely implicate the applicants, present FIR has been lodged by the complainant's party. The Counsel further submits that according to the contents of FIR, allegations only re-accused against co-accused persons namely Jeevan Lal, Shyam Lal and applicant Omprakash. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
7. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
8. I have heard learned Counsel for the parties.
9. 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 fact that in FIR main allegations have been re-accused against co-accused Jeevan Lal, Shyam Lal and applicant Omprakash. 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 with regard to applicants Salim Ghritlahre, Sanam Ghritlahre, Muktawan Daharia, Dwarika Ghritlahre, Hitesh Ghritlahre and Banshi Lal Ghritlahre.
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 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 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