

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.924 of 2020**

1. Ramin Bai W/o Harday Lal Aged About 51 Years R/o Village Dongri Kathapali Police Station Baloda, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Kirtan Lal S/o Kaushal Aged About 58 Years R/o Village Dongri Kathapali Police Station Baloda, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Puniram S/o Kartikram Aged About 63 Years R/o Village Dongri Kathapali Police Station Baloda, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Ghansiram @ Krishna Kumar S/o Ramsai Aged About 44 Years R/o Village Dongri Kathapali Police Station Baloda, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. Naresh Kumar S/o Govardhan Prasad Aged About 51 Years R/o Village Dongri Kathapali Police Station Baloda, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
6. Padum Lal S/o Ramlal Aged About 48 Years R/o Village Dongri Kathapali Police Station Baloda, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Baloda, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

Shri Sumit Singh, counsel for applicant.
Smt. Fouzia Mirza, Additional AG for State.

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****27/11/2020**

Heard.

1. The applicants have preferred this application under Section 438 of

Cr.P.C., apprehending their arrest in connection with Crime No.141/2020, registered at Police Station–Baloda, District Janjgir-Champa for alleged commission of offence under Sections 436, 294, 506, 323, 452/34 of IPC.

2. Case of the prosecution is that the applicants and other accused set the house of the complainant on fire, they are abused and they have assaulted.

3. Learned counsel for the applicant submits that because of certain dispute between two groups in the village, exaggerated story has been prepared regarding commission of offence under Section 436 and 452 of the IPC, whereas this is a case of simple quarrel between two groups. He would submit that allegation to set the house on fire is false and fabricated. It is submitted that as far as applicant No.1-Ramin Bai is concerned, she is a lady of 51 years age and she has been falsely implicated as her name was nowhere mentioned in the FIR, but later on, her name was added with a motive to implicate everyone including the lady members of the family. It is lastly submitted that dispute between the parties have been resolved and they have compromised the dispute. In these circumstances, it is prayed that the applicants may be granted the benefit of anticipatory bail.

4. On the other hand, learned State counsel opposed the prayer for grant of bail by submitting that from the FIR and the case diary statement of large number of witnesses, a prima facie case is made out against the applicants. He would next submit that the report lodged by the complainant shows that their houses were set on fire, therefore, prima facie, a case of commission of offence under Section 436 of IPC is made out .

5. Taking into consideration learned counsel for the parties, particularly taking into consideration the role of applicant No.1-Ramin Bai in the alleged offence, her name has not been mentioned in the FIR, but, later on, some of the witnesses have stated regarding her involvement in the offence, who is a lady of 51 years of age, I am of the considered opinion that this is a fit case for grant of anticipatory bail to the applicant No.1-Ramin Bai.

6. Accordingly, the bail application on behalf of applicant No.1-Ramin Bai is allowed. In the event of arrest, the applicant No.1-Ramin Bai shall be released on anticipatory bail on furnishing a personal bond for a sum of Rs.25,000/ with two local surety in the like sum to the satisfaction of the arresting officer on the conditions as below:-

(A) She shall make herself available for interrogation by a police officer as and when required;

(B) She 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 her from disclosing such facts to the Court or to any police officer, *and*

(C) She shall cooperate with the investigation as and when she is called.

7. As far as other applicants No.2 to 6 are concerned, in view of the contents of the FIR and the case diary statements, prima facie case of set ablaze the house of the complainant is made out. Accordingly, the bail application on behalf of applicants No.2 to 6 is rejected.

SD/-
(Manindra Mohan Shrivastava)
Judge