

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC (A) No. 1206 of 2020**

1. Krishna Kumar Chandra S/o Gopiram Chandra, aged about 41 years, R/o Village- Chikanidih, Near house of Sakram Chandra, Police Station: Bhatgaon, Civil & Revenue District: Balodabazar-Bhatapara, Chhattisgarh.
2. Smt. Sarita Bai W/o Krishna Kumar Chandra, aged about 35 years, R/o Village- Chikanidih, Near house of Sakram Chandra, Police Station: Bhatgaon, Civil & Revenue District: Balodabazar-Bhatapara, Chhattisgarh.

**Versus**

State of Chhattisgarh, through Officer-in-charge, Police Station: Bhatgaon, District: Balodabazar-Bhatapara Chhattisgarh.

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For Applicants : Mr. Ramesh Nayak, Advocate.  
For Respondent/State : Mr. B.P. Banjare, Dy. G.A.

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**29.10.2020**

1. The matter is heard through video conferencing.
2. The applicants have filed this first bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 151/2020, registered at Police Station: Bhatgaon, District: Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 307/34 of IPC.
3. As per prosecution story, a written complainant has been lodged by the complainant Balbhadra Chandra, stating therein that they are the residents of Village: Chiknidhi and their house and property is

situated in that village. Now, they are residing in Village-Kikirda. It is alleged that, on 11.07.2020 when the complainant went to sow the crop in the fields of Chiknidih with his family at around 09:15 A.M. when they were near the field of Sakram Chandra, the present Applicants came there with intention to cause their death and stated that the fields are owned by them and they have sown the crop. Thereafter, the Applicant No.2 attacked complainant with the help of *Kudali* and gave a blow on his forehead. It is further alleged that the Applicant No.1 caused injury to one Dhaneshwar Chandra with the help of *Laathi*. On the basis of said report, offence has been registered.

4. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. He submits that the Applicants and the complainant are relatives. In the year 1981, complainant's father namely Jagdish Chandra got his share from the ancestral property and fields of Village Chiknidih which he sold and left the village and resided at Village:Kikirda after which the present Applicants are in possession of the left over land which were in their share. Thereafter, when the present Applicants sown the crops in the fields, at that time, the complainant Balbhadra came there along with 6-7 persons and with the help dangerous weapons like axe, *Kudali*, Farsa and knife they assaulted the present Applicants due to which both the Applicants sustained grievous injuries. On the basis of said, the matter was reported by the Applicants and offence under Section 307 of IPC were registered against the complainant. Learned counsel further submits that the injuries sustained by the complainant Balbharda are simple in nature and just to create pressure upon the Applicants false and fabricated report has been lodged by the complainant, therefore, it is prayed that the Applicants may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, injuries sustained by the complainant, also considering the fact that counter FIR has been lodged by the Applicants and offence under section 307 of IPC were registered against the complainant Balbhadra Chandra, without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail application is allowed.
9. 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**