

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1765 of 2019

- Sunil Verma S/o Late Mohitram Verma Aged About 39 Years R/o Village Badra B, P.S. Pathariya Tahsil Pathariya District Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station Sargaon District Mungeli, Chhattisgarh

---- Respondent

For Applicant	: Mr. Dhreendra Pandey, Advocate.
For Respondent/State	: Mr. Shubham Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/01/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 294/2018, registered at Police Station Sargaon, Distt. Mungeli (C.G.) for the offence punishable under Sections 294, 323, 427, 435 & 458, 506 & 34 of the IPC.
2. As per prosecution story, complainant Omprakash Kurrey has lodged a report in concerned police station alleging therein that on 30.11.2017, at night, after eating food when he was going to sleep, meanwhile, three unknown persons came in his house, used filthy language, assaulted him by means of hand and fist and also threatened him to withdraw the complaint case which has been made by him earlier against Sarpanch of his village. Thereafter, on 01.12.2017, he reported the matter in Pathariya Police Station. On the same day, when he was returned from concerned police station,

he saw that his waste of paddy was burning on his land, cash and some ornaments were missing from his almirah. It is further alleged by him that on 01.12.2017 at night, present applicant along with other villagers came to his house, used filthy language with him and also threatened him to kill. On the basis of said report, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question due to some previous enmity with the complainant. He further submits that incident which was occurred on 30.11.2017 was committed by some unknown persons and incident which was occurred on 01.12.2017 was done in the absence of the complainant. Virtually, the complainant had captured the government land, on which the Tehsildar had taken action for encroachment of the said land, in which the applicant helped the Tehsildar because of this only reason, the complainant has wrongly been implicated the applicant in the crime in question. He further submits that on the same facts and evidence, other co-accused persons namely Narayan Verma and Ramprasad Rajput have already granted benefit of anticipatory bail by this Court vide order dated 22.08.2019 passed in MCRCA No. 1150/2019, therefore, the applicant may also be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. 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 there was a previous dispute between the parties and the other co-accused persons have already granted benefit of anticipatory bail by this Court. In these circumstances, in my considered opinion,

without further commenting on other merits of the case, I am inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicant 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/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge