

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1694 of 2019**

1. Jairam Banaj, S/o Santram @ Daldabel Banaj, Aged About 45 Years R/o Village Kosir, Police Station Kosir, Tahsil - Sarangarh, District Raigarh Chhattisgarh.
2. Bijendra Banaj S/o Jairam Banaj Aged About 19 Years R/o Village Kosir, Police Station Kosir, Tahsil - Sarangarh, District Raigarh, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Office, Police Station Kosir, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Smt. Indira Tripathi, Advocate.

For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****30/01/2020**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 109/2019 registered at Police Station Kosir, District – Raigarh, (C.G.) for the offence punishable under Sections 341, 392, 427, 294, 506, 323, 34 of Indian Penal Code.
2. As per the prosecution story, on 21.09.2019 around 2:50 pm complainant Jitendra Kumar Mahilage lodged a complaint against applicants alleging that on 20.09.2019 around 10:00-11:00 PM when he was returning back from the petrol pump to his home, applicant No. 1 Jairam Banaj stopped his (complainant) vehicle and took the key of the said vehicle and went away. Thereafter, complainant took lift from one Santosh Kumar and they both went to the house of the applicants to get back his key. After reaching there, complainant and Santosh threatened the applicants and assaulted them with hand and fists. It is

further alleged that during the incident, applicants snatched sum of Rs. 3,000/- and damaged the vehicle of the complainant. On the basis of the above, offence has been registered against the applicants.

3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. She further submits that virtually on the date of incident i.e. 20.09.2019 around 9:00 pm, when the applicants were sleeping after having dinner, at that time someone knocked the door of the applicants. When wife of applicant No. 1 opened the door, applicants beat her because complainant was having some previous enmity with the applicants. Santosh also caught hold the hands of wife of applicant No.1. Her wife was then rescued by the applicants. Again, Complainant and Santosh beat the applicants thereafter, damaged the household articles like fan and television. They also snatched one gold chain from wife of applicant No. 1. On 21.09.2019 around 2:30 PM, the incident was reported by wife of applicant No. 1 before the police station and on the basis of which offence has been reported against complainant and Santosh under Sections 456, 427, 323, 34 of I.P.C. Thereafter, to save themselves, complainant lodged a false and fabricated report in counter blast against the applicants. Looking to the above, it is prayed that applicants may be released on anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. 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 further considering the fact that firstly, complaint was lodged by the applicant's side then in counter blast complainant lodged the report, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present applicants.

7. Accordingly, the anticipatory bail application is allowed.

8. 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 him/her 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