

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1860 of 2019

1. Raj Kumar Sahu, S/o Nanki Dau Aged About 54 Years By Caste Sahu, R/o Tusma, Police Station And Tahsil Shivrinarayan, District Janjgir Champa Chhattisgarh.
2. Sukmat Bai W/o Raj Kumar Sahu Aged About 50 Years By Caste Sahu, R/o Tusma, Police Station And Tahsil Shivrinarayan, District Janjgir Champa, Chhattisgarh.
3. Milap Sahu S/o Nanki Dau Aged About 32 Years By Caste Sahu, R/o Tusma, Police Station And Tahsil Shivrinarayan, District Janjgir Champa Chhattisgarh.
4. Jitendra Sahu S/o Raj Kumar Sahu Aged About 29 Years By Caste Sahu, R/o Tusma, Police Station And Tahsil Shivrinarayan, District Janjgir Champa Chhattisgarh.
5. Chiranjeev Sahu S/o Raj Kumar Sahu Aged About 25 Years By Caste Sahu, R/o Tusma, Police Station And Tahsil Shivrinarayan, District Janjgir Champa, Chhattisgarh.
6. Ekdant Sahu S/o Jharan Ram Sahu Aged About 35 Years By Caste Sahu, R/o Tusma, Police Station And Tahsil Shivrinarayan, District Janjgir Champa, Chhattisgarh.
7. Sukwara Bai W/o Ekdant Sahu Aged About 27 Years By Caste Sahu, R/o Tusma, Police Station and Tahsil Shivrinarayan, District Janjgir Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Shivrinarayan, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicants : Shri Pushpendra Kumar Patel, Advocate.

For Respondent/State : Shri Amit Verma, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

24/02/2020

1. The Applicants are apprehending their arrest in connection with Crime No. 312/2019 registered at Police Station Shivrinarayan, District – Janjgir-Champa, (C.G.) for the offence punishable under Sections 147, 294, 506 of Indian Penal Code and Sections 3(2)(5-A) of Schedule Caste & Schedule Tribe (Prevention of Atrocities) Act.
2. Facts of the case in brief is that, present applicants have encroached the government land. On 09.09.2018 the said encroachment was removed and wire-fencing was done by the *Panchayat* of the said village. Complainant is the husband of the *Sarpanch* and he was present at the spot where fencing was done. Due to fencing, a quarrel took place between present applicants and Complainant. Applicants abused the complainant and also threatened him to kill. On 16.07.2019, a written complaint was lodged and on the basis of the said offence has been registered.
3. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that a simple dispute and arguments were exchanged between both the parties due to fencing of the land. *Prima facie*, no case of atrocities is made out against applicants and other offences are bailable. Therefore, it is prayed that present applicants may be granted benefit of 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 dispute arose due to the fencing of the encroached government land and also from the entire story, it appears that *prima facie*, no case of

atrocities is made out against applicants, therefore, 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 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