

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1855 of 2019

1. Mahadeva Jatwar, S/o Ganesh Jatwar Aged About 57 Years Occupation Agriculturist, R/o Village Kapisada "A" Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
2. Mathura Lahre S/o Mangalchand Aged About 38 Years Occupation Agriculturist, R/o Village Kapisada "A" Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
3. Ramkrishano Jatwar S/o Chintram Aged About 40 Years Occupation Agriculturist, R/o Village Kapisada "A" Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1859 of 2019

1. Shyamlal Sahu, S/o Shri Dukhiram Sahu Aged About 43 Years R/o Village Kapisada "A" Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
2. Daulal Sahu, S/o Tularam Sahu, Aged About 58 Years R/o Village Kapisada "A" Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
3. Raghuwar Sahu S/o Tetkuram Sahu Aged About 54 Years R/o Village Kapisada "A" Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
4. Kaushal Sahu S/o Rambhajo Sahu Aged About 47 Years R/o Village Kapisada "A" Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicants	: Shri Yogendra Chaturvedi, Advocate.
For Respondent/State	: Shri Amit Verma, P.L.
For Objector	: Shri Ashish Beck, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31.01.2020

1. Heard on I.A. No. 01/2020, application for grant of permission to withdraw anticipatory bail application filed by Counsel for the applicants with regard to applicant No. 2 Daulal Sahu in MCRCA No. 1859/2019.
2. Permission granted.
3. Upon due consideration and for the reasons mentioned in the application, the same is allowed and the instant application filed for anticipatory bail on behalf of applicant No. 2 in MCRCA No. 1859/2019 is accordingly dismissed as withdrawn.
4. As both the above cases arise out of same crime number, therefore, they are being decided by this common order.
5. The applicants have preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 114/2019 registered at Police Station Kosir, District – Raigarh, (C.G.) for the offence punishable under Sections 384/34 of I.P.C. and Section 7(2) of the Protection of Civil Rights Act, 1955 and Section 3(1) ऎ, ऎ, 4, 3 (2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
6. As per the prosecution story, on 02.10.2019 complainant Ghasiya

Lahre lodged a report wherein it has been stated that his father late Shri Jagat Ram Lahre was the head of Satnami Community of the Village and some of his relatives namely Sanjay Lahre, Sohan Lahre and Gautal Jatwar performed love-marriage with Hemlata, Purnima Bhardwaj and Trishla Suman respectively. On 07.06.2019, Panat Ram, who is the father of the Hemlata called a social meeting in the village and demanded 3 Lakhs from each of the members of the complainant's family who solemnized love marriage and told to outcast the said members if they didn't pay the demanded money. Complainant Ghasiya Lahre filed a complaint before the concerned Superintendent of Police in this regard. Thereafter, both parties were called for counseling and compromise was done between both the parties and village people were informed that whoever would talk to the said complainant's family, would be charged with fine of Rs. 10,000/- and they would be out-casted from the society. On the basis of the said, offence has been registered against the applicants.

7. Learned Counsel appearing for the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some previous enmity. He further submits that both parties have amicably settled their dispute out of Court and complainant does not want to proceed further in the matter against the applicants. It is further submitted that apart from complainant, there is no statement of any of the village people who have heard the *munadi* regarding imposing of fine or outcasting the people from village by the applicants. Thus, *prima facie*, no case can be made out against the applicants. Looking to the above, it is prayed that applicants (other

than applicant No. 2 Daulal Sahu in MCRCA No. 1859/2019) may be granted benefit of anticipatory bail.

8. Learned Counsel appearing for the State opposes the bail application.

9. I have heard learned Counsel appearing for the parties and perused the material available with due care.

10. 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 particularly considering the fact that both parties have amicably settled their dispute out of Court and complainant does not want to proceed further in the matter against the 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 except applicant No. 2 Daulal Sahu in MCRCA No. 1859/2019.

11. Accordingly, the anticipatory bail applications are allowed.

12. 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 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

Prakash