

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1939 of 2019

1. Smt. Subanti @ Sugandhi W/o Jagarnath Aged About 30 Years R/o Village Devitikra Amalbhitthi Darima, Police Station Darima, Ambikapur, District Sarguja Chhattisgarh.
2. Jagarnath Yadav S/o Chhatrapal Yadav Aged About 34 Years R/o Village Devitikra Amalbhitthi Darima, Police Station Darima, Ambikapur, District Sarguja Chhattisgarh.
3. Ganesh Yadav S/o Nanka Yadav Aged About 28 Years R/o Village Devitikra Amalbhitthi Darima, Police Station Darima, Ambikapur, District Sarguja Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Police Station Darima, Ambikapur,
District Sarguja Chhattisgarh.

---- Respondent

For Applicants : Mr. Vineet Kumar Pandey, Advocate.

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

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

13/02/2020

1. The applicants have filed this 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. 131/2019, registered at Police Station Darima, Ambikapur, Distt. Surguja Chhattisgarh for the offence punishable under Sections 147, 148, 149 & 307 of the IPC.
2. As per prosecution story, there was a land dispute between the applicants and the complainant's family since last four years. Allegedly, on 13.10.2019, due to previous enmity, the applicants and other co-accused persons Lallan Yadav, Mahesh Yadav, Aatma Ram and Aradhna assaulted Kailash Yadav and Kamlesh with the help of axe, club, hands and fists due to that they sustained injuries and when complainant Kabutari tried to intervene, the applicants and other co-accused persons also assaulted her due to that she has

also sustained injuries. On the basis of said background, offence has been registered.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case due to some land dispute between the parties. He further submits that on the date of incident also, a quarrel has taken place between the parties but the applicants have not assaulted the injured persons. The Counsel further submits that the main assailant is Lallan Yadav who assaulted Kailash Yadav and Kamlesh with the help of axe and he has already been arrested. The Counsel further submits that Complainant Kabutari and Kamlesh sustained simple injuries whereas Kailash has sustained two grievous injuries for that he has been hospitalized for some days and later on he was discharged from the hospital. No offence under Section 307 of the IPC can be made out against the applicants. The Counsel finally submits that the applicants are the reputed persons of their society, they are the permanent resident of above mentioned address and there is no chance of their absconding, therefore, they may 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 and perused the case diary minutely.
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 the main assailant is Lallan Yadav who has already been arrested. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicants shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- 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