

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 305 of 2021**

1. Parmanand Sahu, S/o Santram Sahu Aged About 42 Years
 2. Murlidhar Sahu S/o Santram Sahu Aged About 36 Years
- Both R/o Village Bahbalia, Police Chowki Damapur, Thana Kunda, District Kabirdham Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through , Police Chowki Damapur Police Station Thana Kunda District Kabirdham Chhattisgarh

---- Respondent

For Applicant	: Shri Aneesh Tiwari, Advocate
For Respondent/State	: Shri Shrikant Kaushik, PL

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

06.07.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicants as they apprehend their arrest in connection with Crime No.19 of 2021 registered at Police Station Thana Kunda, District Kabirdham, Chhattisgarh for commission of offenses punishable under Sections 294, 323, 436, 452 and 506/34 of IPC.
2. Case of the prosecution, in brief, is that, on 27.01.2021 when the complainant Uttarabai was in her house along with her daughter-in-law Rasila Sahu, at that time, present applicants along with Santram Sahu and Nazar Sahu entered the house forcefully stating that her husband was instrumental in breaking marriage proposal of grand daughter of Nazar Sahu and he also appeared as witness in case filed by Janak Sahu and assaulted them with hands and fists. Yogendra Sahu, who came there to intervene, was also been assaulted. Thereafter, they set kitchen room on fire and due to which, complainant- Uttarabai suffered loss of articles valuing Rs.25,000/-. Matter

was reported to concerned Police Station, based upon which, instant crime was registered against the present applicants.

3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri Aneesh Tiwari, learned counsel for the applicants submits that there was long enmity between the complainant family and applicants' family; even injuries suffered by the complainant and her daughter-in-law were simple in nature; incident took place between two families, but report of complainant has been registered as FIR and complaint made by the applicants has not been registered by the Police. He further referred to document filed as Annexure A3, which is FIR registered on 16.11.2020 against Bhupendra Sahu, Ajit Sahu and Gendram Sahu by Ramsingh Sahu to make his submission that complainant family were involved in other crimes also. He further referred to document Annexure A4 to make his submission that since the year 1995, there was enmity between two families. He submits that as the injuries received by the complainant are simple in nature and material loss was to the tune of Rs.25,000/- only, applicants be extended benefit under Section 438 of CrPC.

5. On the other hand, Shri Shrikant Kaushik, learned Panel Lawyer for the State and Shri Anil Gulati, learned counsel for objector opposing the submissions of learned counsel for the applicants, submit that, allegations leveled against present applicants are serious in nature. They entered the house of complainant forcefully, assaulted complainant

and her daughter-in-law and also set the kitchen room on fire, hence, the applicants are not entitled for benefit under Section 438 of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration the nature of allegations leveled against the present applicants, specific allegation that applicants entered the house of complainant and further, assaulted them, set kitchen on fire, I do not find it a fit case for granting anticipatory bail to the applicants. Accordingly, bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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