

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 390 of 2021**

1. Jagannath Prasad Jaiswal S/o late Ramsundar Jaiswal, aged about 70 years.
2. Saroj Devi W/o Ramji, aged about 38 years.
3. Gayatri Devi W/o Dinesh, aged about 45 years.

All R/o village Funga, Police Station Khadgawa, District Koriya (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh - Through : Station House Officer, Police Station Khadgawa, District Koriya (C.G.)

---- Respondent

For Applicants	:	Mr. Amarnath Pandey, Advocate.
For Respondent.	:	Mr. Alok Nigam, G.A.
For Objector	:	Mr. Ashok Kumar Shukla, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/04/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicants who are apprehending their arrest in connection with Crime No.140/2020 registered at Police Station - Khadgawa, District Koriya (C.G.) for commission of the offence punishable under Sections 294, 506, 323, 147, 148 and 307 of Indian Penal Code.
2. The prosecution story, in brief, is that on 12.06.2020 between 11.00 - 12.00 noon, the applicants and other co-accused persons came to the field of complainant and assaulted them by club & hands and fists as a result of which complainant Jaikarana sustained injuries on his head. Based on this,

offence has been registered against the present applicants.

3. Learned counsel for the applicants submits that the applicant No.1 is aged about 70 years and applicant No.2 and 3 are ladies and have been falsely implicated in the crime in question. He further submits that there was old land dispute between the applicants and complainant in which civil court has granted decree in favour of applicants, and since then the complainant party continuously making false allegation against the present applicants. He also submits that after final adjudication of the matter by the Supreme Court, the applicants first time went to the field where incident took place.
4. Counsel for the State however opposes the application for anticipatory bail.
5. Mr. Shukla, learned counsel for the objector vehemently opposed the bail application and submits that the applicants are habitual offender and more criminal cases have been registered against the present applicants. He also submits that the applicants are constantly threatening the complainant and his family members and there is every likelihood that some big incident may take place, if the applicants are granted anticipatory bail.
6. After hearing counsel for the parties and considering the facts and circumstances of the case, further considering the fact that the applicant No.1 is 70 years old & applicants No.2 and 2 are ladies, without commenting anything on merit of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants.

7. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicants shall make themselves available for interrogation/medical examination before the concerned investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-

(Rajani Dubey)
Judge