

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 404 of 2021

1. Harihar Singh S/o Late Mahendra Singh Aged About 68 Years, R/o Village Kedarpur, Ambikapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Shivmangal Singh S/o Harihar Singh Aged About 47 Years R/o Village Kedarpur, Ambikapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
3. Chandrawati Devi W/o Harihar Singh Aged About 62 Years R/o Village Kedarpur, Ambikapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Atal Raj Singh S/o Rajmangal Singh Aged About 21 Years R/o Village Kedarpur, Ambikapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. Shivangi Singh D/o Rajmangal Singh Aged About 24 Years R/o Village Kedarpur, Ambikapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station Darima, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicants – Smt. Indira Tripathi, Advocate.

For Non-applicant/State – Shri Devesh Verma, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-05-2021

1. Apprehending arrest in connection with Crime No.16/2021, registered at Police Station – Darima, District Sarguja, Chhattisgarh for offence punishable under Section 147, 148, 294, 506 B, 427, 452 of the IPC, the applicants have preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. Apart from the offence under Section 452 of the IPC all the offences registered are bailable in nature. In fact, the FIR has been lodged as counter-blast to the complaint lodged against the

complainant side, which has been registered as Crime No.14/2021 on 16-01-2021 for commission of offence under Section 307/34, 341, 427 of the IPC. The FIR lodged by the applicants side is prior to the FIR lodged against them. The FIR against the applicants is belated and lodged on 18-01-2021, therefore, false. Hence, it is prayed that these applicants be benefited with grant of anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the submission and submits that allegation against the applicants is of serious nature, therefore, they are not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the documents.

5. The prosecution case is this, that on 16-01-2021 at about 11:00 a.m. these applicants formed unlawful assembly, forced their entry into the house of the complainant, used abusive words for the complainant and others and also threatened them. It is alleged that these applicants caused damage to the property of the complainant and others.

6. Considered on the submissions. The FIR registered as Crime No.14/2021 shows the same date of incident and according to which offence under Section 307 of the IPC has been registered against the complainant, therefore, submission of the applicant side that present FIR is a later report and a counter-blast to the earlier complaint cannot be rejected outrightly. Apart from that, only offence under Section 452 of the IPC is non-bailable, rest of the offences are bailable. Therefore, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that 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 facts to the Court or to any police officer;
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Vacation Judge