

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 718 of 2021**

1. Prince Kumar Yadav, aged about 19 years, Son of late Rajendra Prasad Yadav, occupation Student
2. Sampat Yadav, S/o late Ramjag Yadav, aged 58 years, Occupation-Agriculturist.
3. Pradeep Yadav S/o Shri Sampat Yadav, aged 32 years, occupation- Agriculture
4. Ajit Yadav S/o Shri Raghupat Yadav, age 26 years, Occupation-Student
5. Raghupat Yadav S/o late Ramjag Yadav, aged 52 years, Occupation- Agriculture

All are residents of village Dumki, P.S. Dhaurpur, Distt. Surguja Chhattisgarh.

-----Applicants

VERSUS

- State of Chhattisgarh through: Station House Officer, Police Station Dhaurpur, District Surguja, Chhattisgarh

-----Respondent

For Applicants	: Mr. Neeraj Mehta, Advocate
For Respondent- State	: Mr. B.L. Sahu, Panel Lawyer

Hon'ble Shri Parth Prateem Sahu, Judge***(proceedings through video conferencing)*****ORDER****28/07/2021**

1. Applicants have preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.32/2021 registered at Police Station Dhaurpur, District Surguja (C.G.) for the offence punishable under Sections 147, 148, 149, 506, 323, 307 of IPC.
2. As per the case of prosecution, in the Facebook ID of Pravin Yadav, a message was post mentioning Arun Yadav "Baklol". On account of said reason, there was some oral dispute

between Pravin Yadav and Arun Yadav. Arun intimated the incident of dispute to father of complainant due to which complainant was keeping enmity with Arun Yadav. He also abused him in filthy language even after restricting him by his friends Arjun Gupta and Ravindra Yadav. After sometime, for settling of dispute, applicants have called complainant party to meet at Dhaurpur. When complainant along with his friends Arjun Gupta, Ravindra Yadav, Ashish Yadav, Vijay Yadav, Rahul Yadav and Ayush Gupta reached near village Dumki and intimated Arun Yadav over phone call about their reach. Thereafter, Arun Yadav along with his brother Prince Yadav, Ajeet Yadav, Pradip Yadav and his uncle Sampat Yadav, Rajendra Yadav, armed with club, sickle, stick reached the place and started assaulting them due to which Arjun Gupta suffered injuries over his head along with injuries over hand and leg. Injuries were informed to father of Arjun Gupta who took him to hospital. Based on which report was lodged in the concerned police station based on which instant crime was registered against present applicants.

3. Mr. Neeraj Mehta, learned counsel for the applicants submits that the cause of dispute is only with regard to posting of message in the Facebook id mentioning Arun Yadav as 'Baklol'. Dispute took place with the complainant herein and his friends with Arun Yadav. It is the complainant party who came to village Dumki and given call to Arun Yadav upon which he reached the place where the complainant party started abusing and assaulting them. When the complainant party started assaulting, other persons came to intervene, due to which, free fight took place and injuries were suffered on person of both sides. He also submits that the injuries suffered by Arjun Gupta

are minor in nature as opined by the doctor and Radiologist. He also pointed out that the counter case against complainant party is also lodged for similar offence which is also listed today for hearing. He submits that applicants 1 and 4 are students, looking to the nature of dispute and nature of injuries to be simple, applicants may be enlarged on bail.

4. Mr. V. Bajpai along with Mr. Roshan Dubey, learned State counsel opposing the submissions made by learned counsel for the applicants submits that the allegation levelled against the present applicants is grievous in nature, hence, they are not entitled to grant anticipatory bail. However, on putting specific query with regard to nature of injuries suffered by Arjun Gupta, learned counsel submits that as mentioned by the doctor and the report of Radiologist, injuries are simple in nature.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation levelled against present applicants, genesis of dispute between parties as also the fact that the F.I.R./ crime is also registered for similar offence against the complainant party, without commenting anything on merits of the case, I am inclined to allow the bail application.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicants in connection with crime in question (32/2021), they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs. 25,000/- each with surety in the like sum to the satisfaction of the concerned arresting Officer. Applicants shall also abide by the following conditions:

- (i) that the applicants shall make themselves available for interrogation before the Investigation 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 so 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/-
(Parth Prateem Sahu)
Judge

Pawan