

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 774 of 2021**

1. Aryan Dewangan, S/o Shri Yaman Dewangan, Aged About 21 Years
2. Smt Rajshree Dewangan, D/o Shri Tungnath Dewangan, Aged About 42 Years
3. Tungnath Dewangan, S/o Shri Birjhu Dewangan, Aged About 65 Years
4. Smt Nirmala Bai, W/o Shri Nilkanth, Aged About 50 Years
5. Priyanshu Dewangan, S/o Shri Raju Dewangan, Aged About 19 Years

All R/o Sindhi Colony, Mungeli, Police Station Mungeli, District- Mungeli, Chhattisgarh.....(All Applicants Presently Residing At Sindhi Colony)

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station-City Kotwali, Mungeli, District- Mungeli, Chhattisgarh

---- Respondent

For Applicants	: Shri Vivek Kumar Agrawal, Advocate
For Respondent/State	: Ms Anjali Chouhan, PL

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

07.07.2021

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.662 of 2019 registered at Police Station City Kotwali, Mungeli, District- Mungeli, Chhattisgarh for commission of offenses punishable under Sections 323, 294, 506B, 452, 427/34 of IPC.
2. Case of the prosecution, in brief, is that, complainant- Narumal Bhojwani lodged a complaint mentioning therein that on 01.11.2019 at 9 pm when he was going to Bus stand from his house for salon, on the way near house of Diwanchand Shitlani, one Yaman @ Shambhu Dewangan, residing in that locality/vicinity parked his car on road. Complainant asked to remove his car

from road on which Yaman @ Shambhu Dewangan started abusing him in filthy language and gave two slaps. Other persons namely, Kamal Rupwani, Geeta Rupwani and Rakhi Rupwani, who came there to intervene were also assaulted by Yaman @ Shambhu Dewangan, Sonu Dewangan, Monu Dewangan and his family members by hands, fists, belt and bricks. In the aforementioned incident, complainant and other family members suffered injuries over person.

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

4. Shri Vivek Kumar Agrawal, learned counsel for the applicants submits that except offense under Section 452 of IPC, all other offenses leveled against the applicants are bailable offenses. He submits that bare reading of FIR would show that incident took place on road and initially offenses under Sections 294, 323/34 of the IPC were registered. Taking into consideration contents of FIR, offense under Section 452 would not be made out. Hence, present applicants may be enlarged on bail. He further pointed out that other co-accused persons were enlarged on bail in MCRCA-1903 of 2019 and MCRCA 345 of 2020 vide order dated 03.03.2020 and present case of the applicants is also on similar footing.

5. On the other hand, Ms Anjali Chouhan, learned Panel Lawyer for the State opposing the submissions of learned counsel for the applicants, read over the contents of FIR and argued that there are specific allegations against the applicants and family members of assaulting the

complainant and his family members. 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 contents of FIR read over by learned counsel for the State, wherein allegations have been leveled with regard to assault on the road in front of house and further, other co-accused persons (including main accused Yaman @ Shambhu Dewangan) have been enlarged on bail vide order dated 03.03.2020 in MCRCA-1903 of 2019 and MCRCA 345 of 2020, I am inclined to grant anticipatory bail to the applicants.

8. Accordingly, the application is allowed and it is directed that in the event of arrest of applicants in connection with the crime in question, 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/- (Rupees twenty-five thousand) each with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicants shall also abide by the following conditions:

- a) That the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- b) 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;

- c) That the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicants shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma