

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 748 of 2021**

1. Anirudhh Yadav S/o Shri Paramanand Yadav, Aged About 40 Years
2. Parmanand Yadav S/o Shri Bharat Yadav, Aged About 64 Years
3. Jitendra Yadav S/o Shri Parmanand Yadav, Aged About 37 Years
4. Smt. Anjali Yadav W/o Shri Jitendra Yadav, Aged About 35 Years

All by Caste - Mahkul and R/o Village Kokiyakhar, Chowki Kotba, Thana Baagbahar, District Jashpur, Chhattisgarh.

**---- Applicants****Versus**

State of Chhattisgarh Through Station House Officer, Police Station Bagbahar (Chowki Kotba), District Jashpur Chhattisgarh.

**---- Non-applicant**

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 For Applicants : Shri Sunil Sahu, Advocate  
 For State/non-applicant : Shri Shrikant Kaushik, Advocate  
 For Objector : Shri Samir Singh, Advocate  
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***(Proceedings through Video Conferencing)*****Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****09.08.2021**

1. The applicants have preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as they are apprehending their arrest in connection with Crime No.37 of 2021, registered at Police Station Bagbahar, District Jashpur (C.G.), for offence punishable under Sections 294, 323, 452, 506/34 of Indian Penal Code and Section 4 and 5 of Tonhi Pratadna Nivaran Adhiniyam, 2005.

2. Case of the prosecution in brief, is that, complainant along with her husband appeared before outpost Kotba of Police Station Bagbahar and lodged a complaint making allegation that on 14.02.2021, present applicants came to her house and started abusing on the ground that daughter of Jitendra Yadav, by name, Simran Yadav was not behaving properly and was under distress, thereafter again, they came along with other villagers on 06.03.2021 in the evening after abusing entered into her house, caught her hairs, dragged out from her house alleging that she was playing witchcraft. Based on the complaint, instant crime is registered against the applicants.
3. Shri Sunil Sahu, learned counsel for the applicants would submit that after registration of instant crime, complainant, applicants and other villagers have entered into compromise, they have also executed compromise deed and placed before the concerned Police Station. He would further submit that offences which are registered against the applicants are not heinous crime, hence, present applicants are entitled for anticipatory bail.
4. Per contra, Shri Shrikant Kaushik, learned Panel Lawyer representing the State vehemently opposes the bail application and would submit that allegation levelled against the present applicants are serious in nature as they entered into the house of complainant and also assaulted her. However, he does not dispute the fact with regard to entering into compromise between complainant and applicants. He would further submit that

compromise deed executed between the parties is also available in the case diary.

5. Shri Samir Singh, learned counsel for the complainant/objector would submit that complainant and applicants have entered into compromise. They are now residing in the same village and are having cordial relationship. Complainant is not having any objection, if applicants are enlarged on anticipatory bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, particularly the fact that complainant and applicants are residents of same village, have entered into compromise and are having cordial relationship, without commenting anything into the merits of the case, I am inclined to release the present applicants on anticipatory bail.
8. Accordingly, bail application is allowed, it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on anticipatory bail on their furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with one surety in the like sum to the satisfaction of the arresting officer and they shall be abide by the following conditions :-

(i) they shall make themselves available for interrogation by a police officer as and when required;

(ii) 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 them from disclosing such facts to the Court or to any police officer.

(iii) they shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-  
**(Parth Prateem Sahu)**  
**Judge**

Yogesh