

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 874 of 2021**

1. Shyam Kishor Singh @ Sonu S/o Shesh Narayan Singh, Aged About 37 Years,
2. Raja @ Raghvedra Singh S/o Satyanarayan Singh, Aged About 25 Years,
3. Dalbir Singh @ Sonu S/o Sukhdev Singh, Aged About 39 Years,
4. Bagga Singh S/o Late Mohan Singh, Aged About 37 Years,
All R/o Sanjay Nagar, Supela Bhilai District Durg Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through the Police Station Supela District Durg, Chhattisgarh.

---- Non-applicant

 For Applicants : Mr. Rahil Arun Kochar, Advocate
 For Non-applicant/State : Ms. Anjali Singh Chouhan, P.L.
 For objector/complainant : Mr. Ritesh Verma, Advocate

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****10.08.2021**

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.500 of 2020, registered at Police Station Supela District Durg (C.G.), for offence punishable under Sections 436, 294, 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, complainant Lata Rathore lodged a report to concerned Police Station stating that on 08.08.2020, at about 00.30 hours, when she was sleeping, she

heard some noise of abusement and throwing stones. Upon hearing of noise, she came out to her balcony and saw that present applicants with others were standing in front of her main gate, abusing in filthy language, damaging the gate by throwing stones over it. Applicant Monu Singh was attempting to set fire over main gate. When members of her family shouted, they ran away from the spot. Thereafter, they came down and extinguish the fire over the main gate. Based on the report, instant crime was registered against these applicants.

3. Mr. Rahil Arun Kochar, learned counsel for the applicants would submit that allegations levelled against the present applicants are not correct. They were shouting in front of the house of complainant in filthy language and some other persons thrown stones, but not the applicants. He further submits that as the complainant and applicants are resident of same vicinity, they have entered into compromise and are now having cordial relation between them. He submits that looking to the compromise entered into between the parties, which is also admitted by learned counsel for the objector by placing on record the application for permission to assist prosecution and for no objection in granting anticipatory bail to the applicants. Applicants be enlarged on bail.
4. Per contra, Ms. Anjali Singh Chouhan, learned Panel Lawyer representing the State opposing the submissions made by learned counsel for the applicants would submit that allegations levelled against the applicants in the complaint are of serious in nature. On

the last date of hearing, this Court has directed the learned counsel for the State to verify the contents of application and affidavit of complainant on record. She submits that on the verification, she was informed that there was compromise between the complainant and present applicants.

5. Mr. Ritesh Verma, learned counsel for the objector/complainant would submit that complainant has entered into compromise with the applicants and she is present in person in his office with him through virtual mode. She is having no objection on grant of bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, the submission of State counsel on verification of fact and the submission of learned counsel for complainant, 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 and 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