

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1373 of 2020**

- Sanjay Kumar Jaiswal S/o Shri Murali Dhar Jaiswal, Aged About 35 Years R/o - Village - Pachra (Bala), Tehsil - Podi - Uroda, District - Korba Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh, Through S H O, Police Station - Bango, District - Korba Chhattisgarh

---- Respondent

For Applicant	Mr. Achiyut Tiwari, Advocate
For Respondent /State	Mr. Sameer Uraon, Government Advocate

SB.: Hon'ble Mr. Justice Prashant Kumar Mishra**Order On Board****6/1/2021**

1. Heard.
2. This is an application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicant, who is apprehending his arrest in connection with Crime No.104/2020 registered at Police Station Thana Bango, District Korba (CG) for the offence punishable under Section 379 of the IPC.
3. Complainant Brijesh Chandrapal Singh has lodged FIR on 11.8.2020 alleging that he is a native of village Matin but

presently residing at village Pasan. At village Matin, they had a temple built by his ancestors. However, about 15 days back, the broken statue of Lord Ram has been taken away by some miscreants.

4. Learned counsel for the applicant submits that as per the FIR itself, the temple was looked after by the villagers, therefore, the villagers including the Sarpanch and Upsarpanch of Gram Panchayat, Matin authorised the applicant to renovate the temple and install new statue of Lord Ram, Laxman and Goddess Sita. He would draw attention of the Court to the documents filed along with the bail application in this regard.
5. Learned counsel for the State would oppose the bail application.
6. Having referred to the documents Annexure P/2, P/3, P/4 and P/5, it appears, the villagers wanted to renovate the temple, which the applicant has carried out, however, the temple being earlier built by the forefathers of the complainant, he lodged the FIR. Thus, the dispute does not appear to be that of commission of theft but it is *inter se* dispute about management and right to renovate the temple.
7. Considering the entire facts situation of the case, I am of the opinion that present is a fit case to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the application is allowed and it is directed that in

the event of arrest of the applicant, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-

- (i) he shall make himself available for interrogation by a Police Officer as and when required;
- (ii) he 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 for disclosing such facts to the Court or to any Police Officer.
- (iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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