

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1339 of 2020**

1. Sambhu Chandrawanshi @ Sambhuran Kanwar S/o Bhagchand Chandrawanshi Aged About 50 Years R/o Village Budhan Chhapar Police Station Bagnandi District Rajnandgaon Chhattisgarh
2. Santosh Chandrawanshi S/o Suresh Kumar Chandrawanshi Aged About 40 Years
3. Gitesh Chandrawanshi S/o Late Kirtan Lal Chandrawanshi Aged About 34 Years

Both are Residence At Village Mohanpur Police Station Bagnadi District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh, Through - The Police Station Bodhghat, District Bastar Chhattisgarh

---- Respondent

For Applicants	Mr. Pravin Tulsyan, Advocate
For Respondent /State	Mr. Ravish Verma, 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 applicants, who are apprehending their arrest in connection with Crime No.211/2020 registered at Police Station Bodhghat,

District Bastar (CG) for the offence punishable under Sections 498(A), 354(B), 377/34 of the IPC.

3. At the outset, learned counsel for the applicants submits that applicant No.2 Santosh Chandrawanshi has already been arrested and released on regular bail during pendency of this bail application, therefore, the application filed on his behalf has rendered infructuous.
4. Accordingly, the present anticipatory bail application filed on behalf of **applicant No.2 Santosh Chandrawanshi is dismissed**, as having rendered infructuous.
5. The bail application is now considered on merits on behalf of applicant No.1 Sambhu Chandrawanshi @ Sambhuran Kanwar and applicant No.3 Gitesh Chandrawanshi.
6. One Kamlesh Chandrawanshi had an affair with the complainant from 2009 to 2013. Kamlesh Chandravanshi being a member of Uraon Tribal Community and the complainant being a Christian, their marriage was not possible, therefore, according to the complainant, Kamlesh Chandravanshi converted his religion and they performed marriage at a Church and also executed an affidavit before the Notary Public at Jagdalpur. They allegedly resided together from 2013 to 2018, however, thereafter, Kamlesh Chandrawanshi moved to Rajnandgaon but he used to visit the complainant's house at regular intervals. When the complainant's mother requested Kamlesh Chandrawanshi to take his wife for staying with him, a dispute arose and it is

alleged that Kamlesh Chandrawanshi, later on, performed another marriage with a girl of his own community.

7. Applicant No.1 Sambhu Chandrawanshi @ Sambhuran Kanwar is the head of the Caste Panchayat, where the parties have approached for conciliation, and applicant No.3 Gitesh Chandrawanshi is the brother-in-law of the complainant.
8. Learned counsel for the applicants submits that the members of the Caste Panchayat, who have been made accused have already been released on anticipatory bail by the Sessions Court, whereas, husband Kamlesh Chandrawanshi has been released on regular bail by a Coordinate Bench of this Court in MCRC No.6656 of 2020 vide order dated 5.1.2021, therefore, applicant No.1 Sambhu Chandrawanshi @ Sambhuran Kanwar and applicant No.3 Gitesh Chandrawanshi are entitled to be released on anticipatory bail.
9. Learned counsel for the State would oppose the prayer for grant of bail.
10. Considering the nature of allegations against the applicants and the relationship between the complainant and her husband, its complications and the role assigned in the said dispute, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to applicant No.1 Sambhu Chandrawanshi @ Sambhuran Kanwar and applicant No.3 Gitesh Chandrawanshi.
11. Accordingly, the application is **allowed** on behalf of **applicant No.1 Sambhu Chandrawanshi @ Sambhuran Kanwar** and

applicant No.3 Gitesh Chandrawanshi and it is directed that in the event of arrest of their arrest, they shall be released on anticipatory bail on each of them 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) 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 him for 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/-

(Prashant Kumar Mishra)

Judge

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