

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1049 of 2021

1. Ganga Bai Sahu, aged about 37 years, W/o Jammu Lal Sahu.
2. Jammu Lal Sahu, aged about 34 years, S/o Ramsai Sahu
3. Dil Chand Kurrey, aged about 42 years, S/o Chungu Ram Satnami.
4. Bharat Patel, aged about 34 years, S/o Shyam Lal Patel.

All R/o Village Pendri, P.S. Navagarh, Dist. Janjgir Champa (CG)

---- Applicants

Versus

- State of Chhattisgarh, through SHO, PS Navagarh, District Janjgir Champa (CG)

---- Non-applicant

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MCRCA No.1077 of 2021

- Seema Shrikant, D/o Khemlal @ Khemraj Shrikant, aged 32 years, R/o Village Pendri, P.S. Nawagarh, District Janjgir Champa (CG)

---- Applicant

Versus

- State of Chhattisgarh, through Police Nawagarh, District Janjgir Champa (CG)

---- Non-applicant

M.Cr.C. (A) No.1049/2021

For Applicants	:	Mr. HV Sharma, Advocate
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer

M.Cr.C. (A) No.1077/2021

For Applicant	:	Mr. Sumit Singh, Advocate
For Non-applicant	:	Mr. Vaibhav Singh, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

3/9/2021

1. As above two anticipatory bail applications arise out of the same crime number, they are being heard together and disposed of by this common order.
2. This is first anticipatory bail application of above applicants who are apprehending their arrest in connection with Crime No.292/2021 registered at Police Station Nawagarh, District Janjgir Champa (CG) for commission of offence under

Sections 294, 506, 323, 456, 34 of IPC.

3. Case of prosecution, in brief, is that on 1.8.2021 at about 10:00 p.m. complainant Saraswati Patel lodged complaint in the concerned police station mentioning therein that the applicants asking complainant to remove her encroachment over the land, entered into her house, abused and assaulted her by means of hand, fist and club as a result she suffered injuries on her head and back. Based on the complaint, instant crime is registered against applicants.
4. Mr. H.V. Sharma, learned counsel for applicants in M.Cr.C. (A) No.1049/21 would submit that the complainant party has abused and assaulted co-accused Seema Srikant, who is Sarpanch of Gram Panchayat Pendri. Applicants, who are witnesses of the incident occurred with co-accused Seema Srikant, had gone with Seema Srikant to the police station to lodge report against members of complainant party by name Amrit Lal Patel, Pawan Patel etc. Based on complaint of co-accused Seema Srikant, crime bearing No.209/21 for commission of offence under Section 294, 506, 323, 34 of IPC is registered against members of complainant party. Crime in question got registered by complainant against applicants is nothing but a counter blast in order to save themselves from FIR registered against them on the complaint of co-accused Seema Srikant. Complaint made by co-accused Seema Srikant in which applicants are shown as witnesses is prior one. He submits that allegation that applicants entered into house of complainant and assaulted her, is false.
5. Mr. Sumit Singh, learned counsel for applicant in M.Cr.C. (A) No.1077/2021 would submit that applicant is an elected Sarpanch of Gram Panchayat Pendri. Applicant initiated proceeding for removal of encroachments over government lands. Relatives of complainant, who is an elected Panch, have also made encroachments and on the basis of complaint, proceedings under Section 36 (3) of the CG

Panchayat Raj Adhiniyam, 1993 is pending against them. This was the cause of dispute. Absolutely false allegations are levelled against applicants. Looking to nature of offence registered against members of complainant party, they were set free on bail on their furnishing personal bonds. Hence, looking to nature of allegations levelled against applicants, they may also be enlarged on anticipatory bail.

6. Mr. Vaibhav Singh, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicants in both anticipatory bail applications and submits that in FIR there are specific allegations that applicants entered into house of complainant, abused and assaulted her. In the incident, complainant Saraswati and one Smt. Sadbhawan Patel suffered injuries on their person. Hence, applicants are not entitled for grant of anticipatory bail. Upon putting specific query with regard to nature of injuries, learned State Counsel submits that injuries suffered by complainant and Smt. Sadbhawan Patel are simple in nature. He further admits that perusal of other FIR mentions that on the date of incident at prior point of time, applicants have lodged complaint in the concerned police station.
7. I have heard learned counsel for the parties.
8. Taking into consideration the nature of allegations, fact that cause of dispute is action taken by village panchayat for removal of encroachments and one of applicants herein is Sarpanch of village Panchayat, without commenting anything on merits of case, I am inclined to extend benefit of anticipatory bail to applicants.
9. Accordingly, both the applications are allowed and it is directed that in the event of arrest of applicants **Ganga Bai Sahu, Jammu Lal Sahu, Dil Chand Kurrey & Bharat Patel** in **M.Cr.C. (A) No.1049/2021** and applicant **Seema Shrikant** in **M.Cr.C.(A) No.1077/2021** in connection with crime in question, shall be released on anticipatory bail by the officer

arresting them on their executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. Applicants shall also abide by the following conditions:

- (i) that they shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of case so as to dissuade him / her from disclosing such facts to the Court or to any police officer;
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the Court below on each and every date given to him by the said Court till final disposal of case.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-