

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1071 of 2021**

1. Vasudev Saraf S/o Late Satyanarayan Prasad Soni Aged About 64 Years
2. Asha Saraf W/o Vasudev Saraf Aged About 62 Years
3. Tanjay Saraf S/o Vasudev Saraf Aged About 31 Years
4. Dr. Shriti Saraf D/o Vasudev Saraf Aged About 34 Years
5. Dr. Rupali Saraf D/o Vasudev Saraf Aged About 29 Years
6. Karan Rajwade S/o Jangsaye Rajwade Aged About 25 Years
All R/o Mayapur Mohalla, Ring Road, Ambikapur, District Sarguja Chhattisgarh.
7. Rahul Gupta S/o Baldev Gupta Aged About 32 Years R/o Namnakala, Ambikapur, District Sarguja Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through Station House Officer, P.S. Kotwali, District Ambikapur Sarguja Chhattisgarh.

---- Non-applicant

 For Applicants : Mr. Awadh Tripathi, Advocate
 For Non-applicant/State : Ms. Anjali Singh Chouhan, P.L.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****07.09.2021**

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.364 of 2021, registered at Police Station Kotwali, District Ambikapur, Sarguja (C.G.), for offence punishable under Sections 147, 294, 323, 452, 506B of Indian Penal Code.
2. Case of the prosecution in brief, is that, on 29.03.2021 applicants entered into the house of the complainant and threatened him.

They have also abused the other family members present in the house. The incident was reported to concerned Police Station, based upon which, aforementioned crime is registered against the applicants.

3. Mr. Awadh Tripathi, learned counsel for the applicants would submit that complainant and applicants No.1 to 5 are neighbours, there was dispute with them with regard to filling of water in a tank kept outside of house, for which, earlier also on 23.06.2021, some dispute took place between them and incident was reported to concerned Police Station. He further submits that earlier report was lodged by applicant No.3, based upon which, offence under Sections 294, 34 of IPC was registered. It is contended that some dispute between the parties took place outside the house on the date of incident i.e. 29.03.2021 and allegations of assaulting the complainant after entering into the house is false only to implicate the applicants in severe crime. It is further contended that applicants No.4 and 5 are female members and doctors by profession, applicants No.1 and 2 are old persons, aged about 64 and 62 years of age and implication of these persons in instant crime itself shows that allegations are false, hence, they may be enlarged on anticipatory bail.
4. Per contra, Ms. Anjali Singh Chouhan, learned Panel Lawyer for the State opposing the submissions made by learned counsel for the applicants, would submit that at the time of incident, applicants forcefully entered into the house of complainant. As per allegation, all the applicants assaulted the complainant and incident was

captured in CCTV camera fitted in the house of complainant. She submits that photographs of CCTV camera has been recovered, which is part of case diary wherein all the persons including family members were found inside the house of complainant. The allegations levelled against the applicants are serious in nature, hence, they are not entitled for the benefit under Section 438 of Cr.P.C.

5. I have heard learned counsel for the parties and perused the case diary.
6. Documents filed by applicants in support of their bail application would show that prior to the date of incident i.e. 23.09.2021, other incident between the parties of abusing and assaulting was levelled against each other for the incident dated 26.03.2021 and report was lodged by both the parties on same day. Police has collected CCTV footage in the shape of photographs, which is available in case diary showing place of incident/presence of aggressive party outside the main gate of house of complainant.
7. Considering the entire facts and circumstances of the case, nature of allegations, material collected by the Police and further the photographs available in case diary, cause of dispute, without commenting on merits of the case, I am inclined to enlarge the applicants on anticipatory bail.
8. Accordingly, bail application is allowed and it is directed that in the event of arrest of 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