

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1139 of 2021

1. Balroop Singh S/o Late Dalgar Singh, Aged About 65 Years, Occupation- Retired Government Employee, R/o Village- Taraju, P.S. Lakhanpur, District Surguja, Chhattisgarh.
2. Dev Kumar Singh S/o Balroop Singh, Aged About 38 Years, Caste- Kanwar, R/o Village- Taraju, P.S. Lakhanpur, District- Surguja, Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through S.H.O. Police Station- Lakhanpur, District- Surguja, Chhattisgarh.

--- Respondent

For Applicants	: Mr. Pushkar Sinha, Advocate.
For State	: Ms. A.S. Chauhan, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

23/09/2021

Heard.

1. Applicants have filed this bail application under Section 438 of Cr.P.C. apprehending their arrest in connection with Crime No.148/2021 registered at Police Station – Lakhanpur, District -Sarguja, (CG), for the offence punishable under Sections 294, 506(b), 323, 336 of the Indian Penal Code and Sections 4 & 5 of Chhattisgarh Tonahi Pratadna Adhiniyam.
2. Case of the prosecution, in brief, is that on 19.08.2021 at about 06:15 am when complainant Deeep Narayan was returning from agriculture field and crossing the house of applicant No.1, he caught hold of him assaulted and abused him, he thereafter fired from arms. Applicant No.2 came on spot, started abusing Dev Narain and his family members. Based upon written report, aforementioned crime is registered against applicants.
3. Learned counsel for the applicants submits that allegations levelled against applicants are absolutely false and frivolous. There are previous enmity between the two families. Prior to the date of alleged incident, some dispute took place between them, which was reported to the concerned Police Station by applicant No.2 on 07.07.20. On 19.08.21, applicant No.1 has also lodged report against complainant for abusing and threatening. Both complaints are

filed as Annexure A-2 & 3 respectively. Applicants have not made any allegation against wife of complainant of practicing witchcraft but only to implicate the applicants in graver offence alleged allegation has been levelled against them. Applicant No.1 is a retired Government servant aged about 65 years, there is no allegation against applicant No.2 of committing any assault. Hence, applicants may be enlarged on bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicants and submits that applicant No.1 caught hold of complainant in front of his house assaulted and abused him in filthy language. Applicant No.2 came out from the house and abused complainant and his family members. On putting a specific query to learned State Counsel with regard to the allegation of commenting and abusing wife of complainant that she is engaged in practicing witchcraft, she submits in the FIR specific allegation is not there.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation levelled against applicants, the fact that there was prior dispute between the parties, age of applicant No.1, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicants.
7. Accordingly, anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the crime in question, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Arresting Officer. The applicants shall also abide by the following conditions :
 - (i) that applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that applicants 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/her from disclosing such facts to the Court or to any

police officer;

- (iii) that applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-