

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1589 of 2020**

1. Dinesh Singh S/o Jairam Singh Aged About 36 Years R/o Village Trishuli, Police Station Sanawal District Balrampur Ramanujganj Chhattisgarh.
2. Ajit Singh S/o Suryadev Singh Aged About 38 Years R/o Sanawal Police Station Sanawal District Balrampur Ramanujganj Chhattisgarh.

-----Applicants**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station Sanawal District Ramanujganj Chhattisgarh.

----- Respondent

For Applicants	:-	Mr. Shakti Raj Sinha, Advocate
For Respondent-State	:-	Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra
Order On Board**08/01/2021**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who have been arrested in connection with Crime No.29 of 2020, registered at Police Station Sanawal District Balrampur Ramanujganj C.G., for the offences punishable under Sections 147, 149, 506, 323, 365 of the I.P.C.
2. Applicants along with a group of villagers have allegedly

formed an unlawful assembly and caused simple hurt as also set ablaze the house of complainant – Tahira Begam and thereafter kidnapped and confined her overnight in a nearby forest.

3. Learned counsel for the applicants submit that in fact, Raju Khan, brother of complainant Tahira Begam has illicit relation with one Rita, wife of Kripal Pando. Despite objection by the villagers, Raju Khan was not mending his ways, therefore, the villagers had gone to his house and a simple maar-peet has taken place but allegation of causing mischief by fire or kidnapping has never taken place. He would further draw attention of the Court to two previous complaints lodged by Murad Khan on 12.06.2020 in which there is no allegation of kidnapping.
4. Per contra, learned State counsel vehemently opposes the prayer for grant of anticipatory bail.
5. Having seen the previous complaint lodged by Kripal Pando vide Annexure A2 and the written complaints lodged by present complainant's brother Murad Khan, it seems there is dispute between the family of the present complainant and the villagers in connection with affair between Raju Khan and wife of Kripal Pando. There is no allegation of kidnapping in the written complaints lodged by Murad Khan on 12.06.2020. Similarly, the FIR vide Annexure A3 was not registered initially for the offence under Section 436 of the

IPC which has been added subsequently.

6. Considering that complainant has sustained simple injury and in fact, no external injury has been caused to her and there was no allegation of kidnapping in the first complaint, I am inclined to extend the benefit of 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, they shall be released on anticipatory bail on each of them executing 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 from disclosing such facts to the Court or to any police officer;
- (iii) the applicants shall not influence the witnesses during pendency of the trial.

SD/-
(**Prashant Kumar Mishra**)
Judge

Ayushi